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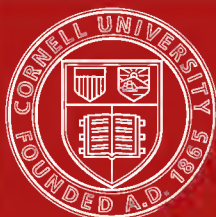
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LONGMANS, GREEN, & CO., NEW YORK.

THE PUBLIC LIFE OF JOSEPH DUDLEY

A STUDY OF
THE COLONIAL POLICY OF THE STUARTS
IN NEW ENGLAND

1660-1715

BY

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LONGMANS, GREEN, AND CO.

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PREFACE

THE officials sent to New England by the Stuarts were harshly dealt with by the early historians of Massachusetts. Some attempts have been made to rehabilitate Andros and Randolph, but little has been done for Joseph Dudley, whose career was longer than that of any other official in early Massachusetts. It is not, however, the purpose of this monograph to meet the criticisms of Dudley's character; his personality, indeed, though interesting, was singularly unlovely. I have rather attempted to examine the Stuart colonial policy and to set forth the practical political problems connected with its application in New England, and to show the parts played by the various agencies connected with its development. I have viewed Dudley as an English official charged with the execution of the English policy, and although taking into consideration his personality, I have investigated more particularly the problems and difficulties which faced all royal officials in New England at that period. Joseph Dudley was chosen partly because he has been so savagely attacked, but largely because in a study of his career I was able to touch all the New England colonies and New York as well, and to cover the period from the first imposition of the Stuart policy upon New England until the accession of George I.

I wish to acknowledge the kind assistance that has been extended to me by the authorities and officials of the Library of Harvard University, the Smith College Library, the

American Antiquarian Society, the Hampshire County Bar Association; and the officials in charge of the Massachusetts Archives, the British Museum, the Privy Council Office, the Public Record Office, and the Society for the Propagation of the Gospel in Foreign Parts in London, and the Bodleian Library of Oxford University. Acknowledgments are also due to Professor C. M. Andrews of Yale University, who kindly put his expert knowledge of the English archives at my disposal while I was carrying on the investigation of the English material. Especial acknowledgments are due to Professor A. B. Hart of Harvard University, under whose direction a dissertation was prepared upon the same subject and offered in partial fulfilment for the requirements of the Degree of Doctor of Philosophy in 1904. But, above all, I am under the greatest obligations to Professor Edward Channing, who first suggested the subject and under whose direction the early investigation was carried on, and who has given freely of his time in reading and criticising the manuscript and proof.

EVERETT KIMBALL.

SMITH COLLEGE, April, 1911.

CONTENTS

CHAPTER I

	PAGE
THE EARLY LIFE OF JOSEPH DUDLEY AND THE LOSS OF THE MASSACHUSETTS CHARTER, 1660-1686	I

CHAPTER II

THE TEMPORARY POLICY OF THE RESTORATION: JOSEPH DUD- LEY PRESIDENT OF THE MASSACHUSETTS COUNCIL, MAY TO DECEMBER, 1686	22
--	----

CHAPTER III

NEW ENGLAND REGULATED: JOSEPH DUDLEY AND THE RULE OF ANDROS, 1686-1689	39
---	----

CHAPTER IV

SCHEMING FOR OFFICE: JOSEPH DUDLEY MEMBER OF THE COUN- CIL FOR NEW YORK, DEPUTY-GOVERNOR OF THE ISLE OF WIGHT, MEMBER OF PARLIAMENT, 1689-1702	57
--	----

CHAPTER V

JOSEPH DUDLEY GOVERNOR OF MASSACHUSETTS: PARLIAMENTARY RELATIONS WITH THE GENERAL COURT	76
--	----

CHAPTER VI

JOSEPH DUDLEY CAPTAIN-GENERAL OF MASSACHUSETTS: MILI- TARY AND INDIAN AFFAIRS	100
--	-----

CHAPTER VII

	PAGE
DUDLEY'S RELATIONS WITH THE COLONIES OF NEW HAMPSHIRE, RHODE ISLAND, AND CONNECTICUT	134

CHAPTER VIII

THE CURRENCY AND BANKING PROBLEMS DURING DUDLEY'S AD- MINISTRATION AS GOVERNOR	157
---	-----

CHAPTER IX

DUDLEY'S FIGHT TO RETAIN OFFICE	175
---	-----

CHAPTER X

THE MOTIVES OF DUDLEY'S ACTIONS	204
---	-----

APPENDICES

A. ROYAL COMMISSION TO JOSEPH DUDLEY, GOVERNOR OF THE PROVINCE OF MASSACHUSETTS BAY IN NEW ENGLAND, APRIL 1, 1702	211
B. LIST OF AUTHORITIES CITED	219
INDEX	230

THE PUBLIC LIFE OF JOSEPH DUDLEY

CHAPTER I

THE EARLY LIFE OF JOSEPH DUDLEY AND THE LOSS OF THE MASSACHUSETTS CHARTER

1660-1686

THE life of Joseph Dudley falls between the period of the settlement of New England and the American Revolution. His public career did not begin until Charles II had been on the throne for more than ten years; and most of his associates were men of the second generation, who faced new conditions and were called upon to solve other problems than those of the first planters. The material condition of Massachusetts had also changed. Commerce had flourished, wealth had increased, and a party devoted to the preservation of these interests had arisen and was strongly opposing the leaders of the first generation of settlers, who recalled the time when Massachusetts existed independently of both crown and commonwealth. By birth and training Joseph Dudley belonged to the party of independence; but his career was a direct contradiction to his inheritance, and was spent in a consistent endeavor to realize the aims of the moderate party of the seventeenth century, which developed into the loyalist party of the eighteenth. This is the key to his political activity, and he should be judged by the aims

of this party rather than by the ideals of the first planters. This policy, too, explains his strength and his weakness, which made him at once influential in England and the most hated man in the colonies, — a man of great ambitions, who from the point of view of the party of independence has been justly termed a traitor, but whose real aims have been too little understood.

Joseph Dudley was born in Roxbury, September 22, 1647, the son of Thomas Dudley, the second governor of Massachusetts, who was over seventy years of age when Joseph, his fourth son, was born.¹ The stern and intolerant character of the father was not inherited by the son; nor did he receive much training from his father, who died, leaving him a child of four years. His mother soon married the Reverend John Allen, minister of the church in Dedham, with whom Joseph lived and who was responsible for his upbringing. He received as good an education as the colony afforded, and was graduated from Harvard College in 1665 with the intention of becoming a minister, like his stepfather. Deciding, however, to enter the field of politics, he was made a free-man of the Massachusetts Bay Company in 1672,² and the next year was elected to the General Court as representative from Roxbury,³ from which town he was returned every year until 1676. During the war with Philip he was chosen one of the commissioners to accompany Major Savage in his attempt to hold the Narragansetts in obedience, and was also present at the destruction of the Narragansett stockade, where the power of the Indians was broken.⁴ It was possibly in

¹ Savage, *Genealogical Dictionary*, ii. 76; Dean Dudley, *History of the Dudley Family*, 162.

² *Massachusetts Colony Records*, iv. pt. ii. 585.

³ *Ibid.* 550.

⁴ Hutchinson, *History of Massachusetts*, i. 273.

recognition of his services there that he was elected to the Court of Assistants (the upper house of the Massachusetts legislature),¹ to which he was returned every year, with the exception of 1684, until the charter of the Company was revoked.

Meanwhile his position was strengthened by the marriage of his sisters. One, Anne, much his senior, had married Simon Bradstreet, the leader of the moderate party and the last governor of the Company under the first charter. Another had married Major-General Denison, who consistently supported his brother-in-law and was known as a prerogative man. Dudley himself married the daughter of Edward Tyng, who was an Assistant for over twelve years and later sat in the Council of his son-in-law. Thus, through inherited prestige and connections by marriage, Dudley exercised considerable influence. The position of Assistant was peculiarly suited to show his abilities as an administrator, and he was frequently put upon committees.² In 1676 he was one of the committee appointed to draw up an answer to the king's letter; from 1677 to 1681 he served as one of the commissioners for the United Colonies; in 1679 he was on committees appointed to revise the laws and to determine the boundaries between the colonies of Massachusetts Bay and New Plymouth. He was also frequently chosen to treat with the Indians, in dealing with whom he showed such skill and gained such insight and knowledge of their habits that his reputation as an Indian negotiator, though recognized in England, was regarded with suspicion by the colonists.

The conditions in Massachusetts and Boston were changing. The purposes of the original planters had hitherto been the ideals of the governors and the people. The aims

¹ *Massachusetts Colony Records*, v. 77.

² *Ibid.* 100, 237, 244, 270, 315, 329, etc.

of the clergy and the magistrates, generally working in harmony, had prevailed, and had governed the morals and the political policy of the colony; and the stern idealism of Winthrop or Endicott had overborne the opposition of any who were inclined to substitute their own political or material interests for the ideals of the founders. But now, on the one hand, England was coming into closer touch with the colony, attempting to enforce her rule, and at the same time offering material advantages to men who were willing to accept this control. On the other hand, Massachusetts was no longer completely dominated by the old clerical party. The population was increasing more from natural causes than by the immigration of those bitterly opposed to England, and many men of the second generation who had not experienced persecution in England were willing to assent to some closer relations with the mother country. The colony, moreover, was prospering and increasing in wealth; trade was becoming more important, and was not only adding more resources to the community, but was arousing new ideas and influences; and as the stake of the colonists was larger they grew more cautious and less ready to risk their increasing prosperity in open conflict. In addition, there was a dissatisfied element in Massachusetts which had suffered at the hands of the colonial government. Many of this class had attempted to gain redress from England; but hitherto England had been able to give them little effective aid. From 1660, however, the government of the Restoration was willing to listen to these complaints and ready to give active help in enforcing its judgments, thus strengthening the hands of the party which was opposed to the old independent government.

Although these conditions might be found in Boston, the

country towns were less influenced by increasing wealth and new ideas. In them the old simplicity of life and austerity of thought and manners still remained, and the old spirit and ideals of the founders of the Puritan commonwealth were kept alive by the almost unchallenged influence of the clergy. Thus a conflict was inevitable, and the field of the struggle was the General Court. Although there were no legal distinctions in the qualifications for membership in the two branches that together formed this body, yet the freemen naturally chose as Assistants the more experienced, the better educated, or those best fitted to act in an administrative capacity. For the representatives they selected men whom they knew, inhabitants of the towns they represented, who were acquainted with and reflected the opinions of their constituents. Thus it happened that in the Court of Assistants there were many men of wealth and position amenable to new ideas and influences, while in the House of Representatives the country party, which reflected the old ideas, was most numerous. This distinction between the houses is the key to many of the political divisions of the period,—to the hesitancy that was displayed during the last years of the charter government, and to many of the conflicts during the administration of Dudley.

The restoration of the Stuarts marks a change in the method in which England exercised control over her American colonies. Before the great civil war, both James I and Charles I had appointed committees of the Privy Council to regulate the colonial trade.¹ With the rise and supremacy of Parliament during the war this control was assumed by Parliament, and a commission was appointed headed by Robert, Earl of Warwick, as governor-in-chief of all the colonies. In 1655 a

¹ For an exhaustive treatment of this subject, see Andrews, *British Committees, Commissions, and Councils of Trade and Plantations*, 1622-1675.

larger board was established, consisting of councillors, judges, officials, and merchants, which busied itself chiefly with the regulation of colonial commerce. With the restoration in 1660 the crown and Privy Council once more assumed control of the colonial policy. This control was first directed by two advisory bodies, — one a committee of the Privy Council for Foreign Plantations,¹ the other an advisory council for trade, composed of prominent men and some of the members of the Privy Council.² In 1674, however, this system of dual boards was abandoned, and a standing committee of twenty-four members of the Privy Council was appointed, which was known as the Lords of Trade.³ This body was continued, with various changes in its personnel, until 1696, when William III organized a Board of Trade consisting of the great officers of state and eight commissioners, among whom were William Blathwayt and John Locke, who had been active in colonial affairs in the reign of Charles II; and this board was, in turn, continued by Anne, under whom it became an active and efficient body. It was with the Lords of Trade, just established at his entrance into public life, that Dudley had relations for nearly forty years, — a board on which sat some of the ablest men in England, who from experience, observation, and careful study had developed ideas concerning colonial control which they tried to make effective in New England. It is not surprising, nor is it to Dudley's discredit, that he was influenced by these men and their ideas; nor should the fact that their aims differed from the desires of many persons in Massachusetts be sufficient to condemn them and cause Dudley to be regarded as a traitor.

The Stuarts had a threefold policy. Their first object,

¹ *New York Colonial Documents*, iii. 32-34.

² *Ibid.* 30-32.

³ *Ibid.* 228-229.

undisguised mercantilism, was to unite England and her colonies in closer commercial relations, — to incorporate the trade of the colonies in the commerce of the empire and utilize their resources to increase the prosperity of the mother country. The colonial navigation laws, in which this policy is embodied, had their origin in the commonwealth; but their provisions were reënacted and extended in a series of five acts passed between 1660 and 1696.¹ The net result of these acts was to prohibit the direct trade of the colonies with Europe, but at the same time to admit them to a share in the commerce of Great Britain. After the freedom which they had enjoyed, these restrictions seemed burdensome; for the colonists were by no means ready to abandon the lucrative trade that had grown up with France, Spain, and the Canaries. A second object of the policy of England was to “regulate” the colonial governments, or, in other words, to make their laws and procedure like those of England. The result of this regulation would have been to make the colonies more dependent on England and to increase the influence of the king; but at the same time, such a policy would have put an end to the illegal practices which had grown up in America. The third object was to settle the religious and political disputes that were rife in the colonies, to protect those whom religious opinions had debarred from political rights, and to put an end to the conflicting claims of the various colonies, and particularly to those rights which Massachusetts exercised over Maine and New Hampshire. To accomplish these aims, and also to utilize the military resources of the colonies, the Lords of Trade, after repeated attempts to control the

¹ *Statutes of the Realm*, v. 246-250, 394-395, 449-452, 792-793, vii. 103-107; Channing, “The Navigation Laws,” *American Antiquarian Society, Proceedings*, New Series, vi. 160-179.

various independent jurisdictions, sought to make their will effective by a union of all the New England colonies and a centralization of the authority of England. This later object, it will be seen, was realized only for a short time under the administration of Andros; but the difficulties which England experienced in her attempts to assert her political, commercial, and military control led her administrators again and again to turn their thoughts to this method. Dudley himself had come to see the need of colonial coöperation even before he was brought into contact with the Lords of Trade;¹ and, as his ideas developed with wider experience, he became one of the strongest advocates of this feature of the English policy.

Even before Dudley began his public life, the king had attempted to carry out his plans. In 1664 a commission was sent to Massachusetts to hear complaints and to enforce the judgments of the crown; but it accomplished nothing save to stir up bitter feeling. Agents were sent to England by Massachusetts, but they neither won the contentions of the colony nor surrendered its privileges. An open conflict seemed imminent when England became involved in a series of wars, and the struggle was postponed for a decade. In 1676 the king was again ready to enforce his policy, and sent a messenger to Massachusetts, ostensibly to carry a letter directing the government to send agents to England to explain its conduct in Maine and New Hampshire, but also to report upon the religious, commercial, and military conditions of the colony and the temper of the people. The messenger chosen was Edward Randolph, a connection of the Mason family, the proprietors of New Hampshire, a man who had

¹ Dudley to Secretary Allen of Connecticut, February 6, 1681, Toppan, *Edward Randolph*, i. 139, note.

been employed by the king on confidential affairs, and a personal friend and correspondent of William Blathwayt, clerk of the Privy Council.¹ From this time he becomes one of the central figures of New England, the agent of the crown, the enemy of Massachusetts, and the ally of Dudley. It is to be noted, moreover, that the first appearance of Randolph coincides with the entrance of Dudley into the Court of Assistants, a position notably congenial to the latter and one well suited to his abilities, but also one where he would be under the influence of the party least dominated by the aims of the early settlers and most ready to guard the material interests of the colony.

Randolph's reception by the governor and magistrates was not of such a nature as to lead him to regard the loyalty of the colony very favorably,² and he allowed his temper to color some of his observations. In general, however, he followed his instructions faithfully,³ and, allowing for exaggerations in his estimates of population and resources, he makes few actually false statements; yet his whole report put the colony in an unfavorable light and greatly overestimated the independence of Massachusetts. He certainly gave a false impression when he wrote, "No law is enforced or esteemed there but such as made by the General Court," and again, "There is no notice taken of the acts of navigation or any other of the acts of trade;" but it must be admitted that an agent of the admiralty might justly believe that such was the

¹ Toppan's *Edward Randolph*, published by the Prince Society, contains a most valuable memoir of Randolph and a collection of the important documents connected with this period. Two additional volumes of papers have been published by the same society, edited by Rev. A. T. S. Goodrick, who in his introduction throws new light upon Randolph's personal character. See also Channing, *History of the United States*, ii. 159-160.

² Toppan, *Edward Randolph*, ii. 216.

³ *Ibid.* 196.

case. Randolph misjudged as well the relative strength of the parties, and greatly overestimated the influence of the moderate element which he found represented in the Court of Assistants. He was shrewd enough, however, in his judgment of individuals, and correctly reported that the "most popular and well principled men . . . in the magistracy" were Denison, Bradstreet, and Dudley;¹ but he did not realize that the temper of the representatives and the country people was as unyielding as ever. In his association with the malcontents and men of moderate principles he lost sight of the real temper of the people.

The open and avowed purpose of Randolph's coming was to call upon Massachusetts to defend her conduct in Maine and New Hampshire.² These territories had been given by a series of vaguely defined grants to Sir Ferdinando Gorges and to Captain John Mason, neither of whom had been successful in his attempts to colonize the region. The growth of Massachusetts and the dispersion of her settlers peopled these territories with colonists more in harmony with the Puritan government of Massachusetts than with the royalist proprietors in England; and as a result of settlement, aggression, and negotiation these regions were included in the jurisdiction of Massachusetts. At the Restoration the heirs of both Gorges and Mason appealed to the Lords of Trade, and one of the unsuccessful objects of the commission of 1664 had been to settle this question. As a pretext to bring the whole conduct

¹ Randolph to Coventry, June 17, 1676, Toppan, *Edward Randolph*, ii. 203-209; Randolph to the king, September 20, 1676, *ibid.* 216-225; Randolph's report to the committee, October 12, 1676, *ibid.* 225-259; the king to "the government of Boston," March 10, 1675-1676, *ibid.* 192-194.

² A. S. Batchellor, in his edition of the *Laws of New Hampshire*, i. pp. xxix *et seq.*, gives a brief discussion of this subject, together with extracts from the Massachusetts records.

of Massachusetts under review, the Committee took up these complaints and directed that agents from the colony should appear before it. The General Court complied, and William Stoughton and Peter Bulkley were sent with instructions which allowed them to defend the course of Massachusetts in New Hampshire and Maine, but directed them to plead absence of instructions to all other complaints.¹

Before the agents reached England, Randolph arrived there and stirred up as much hostility as possible against them. He repeated the general charges of disobedience, and urged the very efficient method which was afterwards adopted, that of questioning the validity of colonial land titles.² The Lords of Trade reported that the only way to bring the colony to terms was for the king to appoint a royal governor and thus make void the colonial charters;³ and the law officers of the crown, whose opinion was received May 16, 1678, held that, although the charter was still good, the misdemeanors of the colonists were sufficient to make it void.⁴ Not only, therefore, did the agents see the possibility that a governor might be sent, but the colonial merchants resident in England expected the appointment of one.⁵ By pleading the want of instructions, however, the agents contrived to ward off this catastrophe.

Shortly after the agents arrived in England, the judges to whom the conflicting claims to Maine and New Hampshire

¹ *Massachusetts Colony Records*, v. 113-116.

² Representations of Randolph, May 6, 1677, Toppan, *Edward Randolph*, ii. 265-268.

³ *Ibid.* 297.

⁴ *Ibid.* iii. 4. A year before the chief justices Raynsford and North, in discussing the claims of Massachusetts to Maine and New Hampshire (see note 1, below), reported that the Massachusetts charter made "the Adventurers a corporation upon the place."

⁵ Blinman to Increase Mather, August 9, 1678, Massachusetts Historical Society, *Collections*, 4th Series, viii. 335.

were referred decided that neither Mason nor Massachusetts had any good claim to the government of New Hampshire, a decision which left the settlers directly dependent upon the crown. The title to Maine, was, however, they decided, vested on the heirs of Gorges.¹ It was now rumored that the king was in negotiation with these heirs in an attempt to buy Maine with the intention of uniting it with New Hampshire, and forming a single province for his favorite Monmouth. In order to forestall such a calamity, the agents made a successful effort and purchased Maine for £1250, a proceeding which the king took "very ill,"² from this time on showing active personal hostility toward the colony. To counteract this state of things, the agents received new instructions from home. They were directed to enlarge upon the services of the colony in gaining New England from the French and the Dutch, and upon the lucrative trade of that region; but their bargain for Maine was approved, and the purchase money was voted. They were to report that the colony promised to amend its conduct in certain particulars; but the legality of the navigation laws was questioned on the ground that "The subjects of his Maj^{ties} here not being represented in Parliament, so wee have not looked to ourselues to be impeded in our trade by them." They were not to allow, through any concession of theirs, that "any least stone should be put out of the wall" of the charter; but they were directed to report that the oath of allegiance had been taken by the magistrates, and that the arms of the king were to be "carved by an able artist, & erected in the court house."³ These

¹ *Calendar of State Papers, America and West Indies*, 1677-1680, No. 342.

² Board of Trade, *Colonial Entry Book* (Ms.), 106, p. 8.

³ For the address to the king, the declaration of the government, and the instructions to the agents, see *Massachusetts Colony Records*, v. 197-203.

slight concessions and ingenious instructions rendering the longer stay of the agents useless, they petitioned to return; and the Committee, recognizing the futility of continuing negotiations, allowed them to go, but wrote a letter demanding new agents with more satisfactory instructions.¹ The men chosen for this new mission were Joseph Dudley and John Richards.²

The acceptance of this agency was the turning-point in Dudley's career. Hitherto he had been respected and honored in New England; he had filled many offices of trust, and his skill, honesty, and ability had never been questioned. It is true that he did not always receive the largest number of votes in the choice of Assistants, but his name stood well up on the list; and he represented the moderate party in Boston, rather than the extreme unyielding party of the country towns. Now he was called to undertake a difficult and almost hopeless mission. The career of a colonial agent was not such as to attract ambitious men, nor was the reward received sufficient to compensate for the loss of prestige. Cotton Mather, writing in 1702, stated the case correctly when he said, "Such has been the *jealous* disposition of our *New-Englanders* about their dearly bought *privileges*, and such also has been the *various* understanding of the people about the extent of those privileges, that of all the *agents*, which they have sent over unto the Court of *England*, for now forty years together, I know not any *one*, who did not at his return, meet with some very froward entertainment among his country-men."³ In the present instance it was almost a forlorn hope which Dudley was called upon to lead. Randolph's reports had poisoned the minds of the Lords of Trade, the competition of the colony

¹ Toppan, *Edward Randolph*, iii. 44.

² *Massachusetts Colony Records*, v. 346.

³ Mather, *Magnalia*, i. 270.

with the London merchants had alienated some natural political allies,¹ the purchase of Maine had angered the king, and the long-continued resistance of Massachusetts had made further defence difficult.

Notwithstanding the fact that the agents went well recommended, a hostile reception was prepared for them. Governor Hinckley of Plymouth commended Dudley to Blathwayt, secretary of the Lords of Trade,² thus laying the foundation of an alliance which proved an object of suspicion to the colonists, but an advantage to Dudley. Randolph, however, did all that he could to render the mission fruitless. To Sir Leoline Jenkins, secretary of state, he wrote, "Nothing these Agents promise may be depended upon";³ and to the Bishop of London, "Major Dudley is a great opposer of the faction heere . . . who, if he finds things resolutely manniged, will cringe and bow to anything; he hath his fortune to make in the world, and if his Majesty, upon alteration of the government, make him captain of the castle of Boston and the forts in the colloney, his Majesty will gaine a popular man and obleidge the better party. . . . As for Capt. Richards, he is one of the faction, a man of meane extraction, . . . he ought to be kept very safe till all things tending to the quiett and regulation of this government be perfectly settled."⁴

The "faction" to which Randolph referred was the party in the General Court bent upon resistance, composed largely of representatives from the country towns, but led by men like Danforth, the deputy-governor, Elisha Cooke, and Elisha

¹ Andrews, *Colonial Self-Government*, 259-260; *Calendar of State Papers, America and West Indies*, 1675-1676, No. 881.

² Hinckley to Blathwayt, May 26, 1682, Massachusetts Historical Society, *Collections*, 4th Series, v. 65.

³ Toppan, *Edward Randolph*, iii. 142-144.

⁴ *Ibid.* 145-149.

Hutchinson. For this faction Randolph had the greatest contempt, and believed it to be the source of all the opposition to his plans. His estimate of Dudley, though not complimentary, was in the main justified by his subsequent relations with him. Dudley was an opposer of the faction, in that he belonged to the moderate party; but his nature was so pliant that he would often seem to surrender the contention temporarily in order to gain his purpose ultimately. The charge that he had his fortune to make may be taken as referring to his well-known ambition; but whether at this date he had made any positive agreement with Randolph is open to doubt. It is true that a passage in one of Randolph's letters to the Lords of Trade, in which he says that Dudley "will give a sight" of his instructions,¹ may seem to imply some compact; yet there is no other evidence, and such an act on Dudley's part would have been quite in accord with his conception of his functions, — namely, to put an end to the misunderstandings between England and Massachusetts.

At first the General Court resolved to try the use of money, and directed the agents to tender Lord Hyde two thousand guineas for the king's private use; but the attempt recoiled upon them, and Dudley wrote to Bradstreet, "Truly, sir, if you was here to see how we are ridiculed by our best friends at court . . . it would grieve you."² "Sir, it is a hard service we are engaged in," wrote Richards to Increase Mather.³ The Lords of Trade were openly hostile; they ordered the agents to produce a commission empowering them to consent to any alteration of the charter, and advised the king to pro-

¹ *Ibid.* 172.

² February, 1682, quoted in Hutchinson's *History of Massachusetts*, i. 303, note.

³ August 21, 1682, Massachusetts Historical Society, *Collections*, 4th Series, viii. 494.

ceed by a writ of *quo warranto*.¹ "The truth is," wrote Richards, September 25, 1682, "our case is come to a Crisis. They are resolved here of their way, and put us to a hard choice; either to empower persons here fully instructed & commissioned, to accept of such Regulations of our Government as shall be propounded, &c., or else a *Quo Warranto* will within 4 monethes proceed against our Charter."² Both Dudley and Richards saw that their mission was doomed to failure, and were using all their efforts to bring about their recall. To cap the climax, however, Randolph was ordered to return to England "to attend upon the further progress of the business of New England."³

The feeling in the colony was now one of despondency. Even the "faction" expected that very little could be done, for Nowell, one of its leaders, wrote to Richards, "I am heartily sorry for both of you that your part is like to be so hard: it will be hard to do that wth shall be pleasing either in Old Engld or in New";⁴ and again, "I have little expectation that all we can or shall do will put a stop to the Quo Warranto; for if we doe not give you power, it will go on, if we do give you the power required, & you do not make use of it to our p'judice, the Quo Warranto will still go on; but if you do make use of the power to answer demands, we do then pull downe the house ourselues, which is worse than to be passive only."⁵ Nevertheless, new instructions were sent which allowed the agents to consent to such alterations "as may consist wth the majne ends of our predecesso^rs in their removall hither our charter, and his maj^tyjes government here settled accord-

¹ Board of Trade, *Colonial Entry Book* (Ms.), 107, p. 56.

² Massachusetts Historical Society, *Collections*, 4th Series, viii. 496.

³ Toppan, *Edward Randolph*, iii, 207.

⁴ November 9, 1682, Massachusetts Historical Society, *Collections*, 5th Series, i. 431.

⁵ March 28, 1683, *ibid.* 434.

ing therevnto," but not to consent to any infringement of the religious liberties or present constitution of the General Court. As a last resort they were allowed to surrender Maine, but were cautioned to "be slow in tendring the Prouince of Majne."¹ As might have been expected, these instructions were inadequate, and the Committee, "finding the Agents not duly impowred by their Commission to consent to such regulation of their Government as shall bee thought fit according to His Ma^{ty}'s directions, Doe agree to Report that M^r Attorney bee Ordered to bring a Quo Warranto against the Privileges of their Charter."² This marked the end of the agents' usefulness in England, and when they petitioned to be allowed to return, their request was granted.

This agency was, indeed, the crucial point of Dudley's career. When he got home he found himself an object of suspicion and hatred. In a Boston town-meeting, the people, under the lead of Mather and Nowell, declared that he and his friends Bradstreet, Stoughton, and Bulkley were enemies to the country, and resolved to change the magistrates at the next election.³ The truth is, however, that no action of the agents could have prevented the issuance of the *quo warranto*. Delay, evasion, and defiance had exhausted the colony's means of defence and the Committee's patience. The futility of the

¹ *Massachusetts Colony Records*, v. 386-392.

² Toppan, *Edward Randolph*, iii. 234.

³ In January a town meeting was held to choose jurymen, and the king's declaration was there published. Then "Nowell stood up and declared that those which were free to deliver up their charter and Right to the Country should hold up their hands. . . . And when the freemen were to vote by holding up their hands not one man held up his hand, w^{ch} caused one of the Freemen to hold up both hands and with Long acclamations cryed out, the Lord be prayسد. . . . Mather stands up and exhorts the people telling them how the forefathers did purchase it, and would they deliver it up even as Ahab required Naboth's vinyard. . . . They might see Examples enough before their Eyes meaning the City of London and their Neighbouring Country of Pascata-

mission was clear to Dudley and his colleague, and was recognized by many of the leaders at home; but on their return Richards, forgetting his experience in England and his own discouraging reports, sided with the faction in the House of Representatives and urged further resistance to the commands of the king. Dudley was more consistent; he better understood the temper of the Committee, and boldly advised the colony by speedy submission, to make the best terms possible.¹ As a result, Richards was regarded as a patriotic man, while the hatred of the people was concentrated on Dudley and he was dropped from the Court of Assistants.

Dudley's hands, however, were not absolutely clean. Although there is not evidence enough to convict him of the avowed intention to betray the charter, yet it is known that he and Randolph discussed the probable form of government after the charter should be overthrown.² This conversation, to be sure, took place after the issuance of the *quo warranto*; yet it showed a readiness on Dudley's part to accept a result

qua. . . . It is resolved that upon the 7 day of May next being the day of election, there bee a New Go^v and new Magistrates declaring Gov^r Bradstreet, M^r Stoughton, M^r Dudley, M^r Bulkley and one more w^{ch} are Enemies to the Countrey. It is resolved their Ellections to be such as to haue Govn^r and Magistrates to be Unanimously and its thought they designe to oppose any power from the King." — Abstract of a letter from Boston, March 14, 1684, given by Randolph to the Lords of Trade: Board of Trade, *Papers, New England* (Ms.), 53, No. 51.

¹Toppan, *Edward Randolph*, iii. 273. See also a letter (signed by Bradstreet, Bulkley, Saltonstall, Russell, Stoughton, Dudley, Browne, and Gidney, March 23, 1684) to Sir Leoline Jenkins, stating that the majority of the magistrates "declared for submission, and would have despatched our agents empowered to make that submission. But we cannot obtain the assent of the deputies." — *Calendar of State Papers, America and West Indies*, 1681-1685, No. 1603.

²Randolph to Southwell, August 19, 1683: "I have spent some tyme with M^r. Dudley one of their present Agents Endeavouring to accomodate things for their future settlment. . . ." — Toppan, *Edward Randolph*, iii. 262.

hateful to those who had intrusted him with their interests. From this time on, at any rate, Dudley and Randolph worked in harmony, Randolph pushing on the suit in England, Dudley advising submission at home, and at the same time seeking to mitigate the severity of the punishment which he felt sure would be inflicted upon the colony. In a long letter to Sir Leoline Jenkins, he says that he has endeavored "to assure this people that his Majestyes Just satisfaction & this peoples good were the same & not a different interest," and that as a result he has lost his office and is regarded as an enemy to the country. This attitude he attributes not to the body of the people, but to certain persons who have influenced them, and begs that "no severities may be used towards them as will spoyle the growth of these plantations & thereby greatly disadvantage his Majestyes revenues & his Majestyes other plantations in the West Indies that have great dependence upon this place, & his Majestyes commands for their future settlement may be accompanied & Introduced with his Gracious pardon, assurance of his peoples propertyes & Indulgence in Matters of religion, which will greatly oblige this people in their obedience & advance the good opinion & confidence of his Majestyes undeserved Grace & favor for them."¹ Whether this letter expressed Dudley's sincere desire, or was only a shrewd bid for future favors from England, it is hard to determine; yet it is typical of his later policy, which was obedience and close dependence upon England, coupled with a genuine desire to protect and improve the condition of the colony. Probably at this date, as in his later career, Dudley felt himself to be the man to bring about this harmony and

¹ *Calendar of State Papers, America and West Indies*, 1681-1685, No. 1670. The original from which this quotation is made is in the Board of Trade's *Papers, New England* (Ms.), 53, No. 92.

prosperity, and in order to gain his ends he did not hesitate to use the influence of a man so hated as Randolph. In this aim, he was successful; for Randolph wrote, "I am extremely solicitous that Mr. Dudley might have the sole Gov^t of N. Eng^d." ¹

The proceedings against the colony in the court of King's Bench were, by advice of Attorney-General Sawyer, transferred to Chancery, where upon a writ of *scire facias*, to which the colonists did not plead, the charter was declared vacated, October 23, 1684.² To the disappointment of Randolph,

¹ Randolph to Samuel Shrimpton, July 26, 1684, Massachusetts Historical Society, *Collections*, 4th Series, viii. 526.

² The "Exemplification of the Judgment vacating the Charter" is printed in the Massachusetts Historical Society's *Collections*, 4th Series, ii. 246. At a later date Randolph wrote, "By the assistance of M^r Brent of the Temple, their solicitor, they obtained a report from Sir Thomas Powys . . . in their favour, that their former charter was illegally vacated" (Randolph to the Lords Committee, May 29, 1689, *New York Colonial Documents*, iii. 578). Professor Joel Parker, in his lecture on "The Charter and Religious Legislation in Massachusetts" (*Lowell Institute Lectures on the Early History of Massachusetts*, 400), says, "The assumption to enter a decree, that a charter . . . which had existed more than half a century, should 'be vacated, cancelled, and annihilated,' on account of usurpations, which, in case of ordinary corporations, may be a subject for proceedings by writ of *quo warranto* in the King's Bench, and especially to do this upon a writ issued to the sheriff of Middlesex, in England, under such circumstances that there could be neither service nor notice, — would be of itself a usurpation." Charles Deane, in Winsor's *Memorial History of Boston*, i. 378, quoting the above, comes to a like conclusion. On the other hand, Blackstone (*Commentaries on the Laws of England*, book iii. 260) says, "Where the patentee hath done an act that amounts to a forfeiture of the grant the remedy to repeal the patent is by a writ of *scire facias* in Chancery"; and Bouvier (*Law Dictionary*, ii. 960), citing the same, declares that the crown may by its own prerogative repeal by *scire facias* its own grant." Brooks Adams (*Emancipation of Massachusetts*, 213-215), citing a letter from Robert Humphreys, counsel for the colonists, does not question the legality of the proceedings; and Humphreys himself apparently acquiesced when his plea "of the impossibility of having a return from you in the time allotted" was overruled by the lord keeper. Whether the charter was justly vacated or not is not the question; the method taken was a proper one to use in vacating a charter, and the decree in Chancery stood and was legally binding until reversed by some higher authority.

however, Colonel Kirke was appointed governor, a choice which Randolph vehemently opposed. He wrote to Sir Robert Southwell and to the Bishop of St. Asaph urging the unfitness of a military man, and of Kirke in particular, and advising that a native of the country be appointed. Randolph at last succeeded in bringing the English authorities to his point of view, and led them to adopt a plan which he had in mind since 1681, when he had sent to Jenkins proposals for the settlement of New England, his plan being to proceed against the Company by a writ of *quo warranto*, and then to have the king issue a commission for a temporary government, accompanied by a declaration of free pardon, security of property, and freedom of religion.¹ Other work was found for Kirke to do; and Randolph, now that the point was gained, was jubilant and took all the glory to himself. To Sir Robert Southwell he wrote, "I have gaind ye point & am carriing over with me a Commission for a Temporary Go^{mt}: I hope it will succeed & the rather because they have been putt in a terrible fright with the apprehensions of being committed to y^e Guardianship of Co^{tt} Kerk."² The temporary government gave Randolph what he hoped would prove to be a lucrative post, and made Joseph Dudley president of the Council and chief executive not only of Massachusetts, but of a large part of New England as well.

¹ Goodrick, *Edward Randolph*, 89.

² August 29, 1685, Toppan, *Edward Randolph*, iv. 40.

CHAPTER II

THE TEMPORARY POLICY OF THE RESTORATION

JOSEPH DUDLEY, PRESIDENT OF THE MASSACHUSETTS COUNCIL

May to December, 1686

THE revocation of the Massachusetts charter was but the first step in the accomplishment of the Stuart policy towards New England. It was not an act of tyranny prompted by spite and malice, but a part of a well-defined scheme to minimize the particularistic tendencies of the colonies and to increase their dependence on England. To direct intercolonial affairs, to enforce the laws of England and carry out her commercial policy, to establish the national church while recognizing the peculiarities of colonial dissent, — in short, to treat the colonies as if they were an integral part of the British realm, these were the aims of the Stuart policy. Men of broad experience and communities of wide interests might see little that was hurtful in such designs; but the average man whose outlook was confined to New England regarded them as acts of tyranny. Here and there, it is true, men of larger experience, whose views extended beyond New England, — men like Dudley and Stoughton, — might welcome the change; but in general the people, under the lead of men like Nowell and Danforth, could see only the loss of the ideals of the former generation. And the present generation differed from the founders of Massachusetts. When the charter was

threatened, in 1635, preparations were made for resistance; the ports were fortified, and men were willing to stake their all in the struggle. In 1685 there was no thought of open resistance; sullen acquiescence and apathy were the most that was displayed.

The revocation of the charter was, moreover, the easiest part of the policy of the Stuarts; it had been accomplished in England by legal process, and it had not been contested by the colonists. The remainder of the policy must be carried out in New England by officials appointed by the crown. Randolph's successful work was done. He had succeeded in overthrowing the charter and clearing the ground for the wider designs of the king. That he had done this for selfish reasons, by means of exaggeration and misrepresentations, does not detract from the effectiveness of his work; nor should the fact be forgotten that, largely because of his representations, the government was not intrusted to an Englishman like Kirke, but to a native of Massachusetts who thoroughly understood her history and peculiarities.

It was fortunate for New England that Dudley had made his choice of parties and had seen no disgrace in trying to serve both the king and Massachusetts. Had he inherited his father's stern and unbending nature, he might have become one of the leaders of the "faction," and under his direction a more determined resistance might have provoked England to take even stronger measures. As it was, both England and Massachusetts profited by his abilities. He so utilized the support of Randolph, and the interest of Sir Robert Southwell, Sir Leoline Jenkins, and perhaps of other English officials, that he, rather than an Englishman, was chosen to carry out the policy of royal control, thus saving Massachusetts from the usual type of colonial governor. He was ambitious

for position and power for himself and anxious for the prosperity of the colony; and in the brief period of his first administration he disappointed the greedy self-seekers like Randolph, and gave Massachusetts a just government.

On October 23, 1684, the judgment against the Massachusetts charter was formally entered in Chancery.¹ At once the Lords of Trade began to prepare plans for the control of New England and to make preliminary drafts of the commissions and instructions for Colonel Kirke.² Before these could be perfected, however, Charles II died, and in the confusion which followed the accession of his brother James II and the disorders of Monmouth's rebellion, the affairs of the colonies were held in abeyance. Hence it was not until September that Randolph could accomplish his purpose and gain a commission for Joseph Dudley.³ Still further delays kept him in England till January, 1686, when he finally sailed for Boston, arriving there May 14.

Unofficial information of the dissolution of the Company had reached Boston early in 1685;⁴ but, aside from the framing of futile appeals to the king, nothing was done. Although the government had no legal standing, it was continued until the exemplification of the judgment against the charter should be formally delivered. The regular elections to the General Court took place; but such was the apathy and so small the attendance, that it was necessary to urge some of the towns not to neglect to send deputies "at their perrill," and to call the "rūend elders" of the several towns to a special conference."⁵ At the next election, May 12, 1686, Dudley was

¹ Massachusetts Historical Society, *Collections*, 4th Series, ii. 246.

² Toppan, *Edward Randolph*, iii. 332.

³ Board of Trade, *Colonial Entry Book, New England* (Ms.), 61, pp. 252-258.

⁴ Massachusetts Historical Society, *Collections*, 5th Series, viii. 300.

⁵ *Massachusetts Colony Records*, v. 492.

again dropped from the Court of Assistants, and Stoughton refused to serve.

Two days later Randolph landed in Boston, bringing with him the exemplification of the judgment against the charter, and the commission for the new government. He at once went to Roxbury to consult with Dudley concerning his procedure. The judgment and the commission were shown to a few of the Council, through whom the news spread; so that on the following Sunday, Mr. Willard prayed "not for the Governour or Government, as formerly; but spake so as implied it to be changed or changing. It seems Mr. Phillips at the Old Church prayed for the Governour and Deputy Governour."¹ Together Randolph and Dudley drew up the summons to the members of the Council and made ready to assume the government.² The members of the General Court, though long prepared, made no resistance, but contented themselves with trying to persuade Dudley not to accept the commission,³ and so to keep the government in their own hands. Failing in this, they broke up, "with hopes that either some unhappie accident in affairs of state at home, or by dissension raised by their artifices among the members in this new government, they might pervaille so far as to dissolve this new constitution and then reassume the government, which to accomplish they are solissitouse."⁴

Dudley himself had some doubts as to his reception. Early on the day set for his inauguration he sought the counsel of

¹ Sewall's Diary, May 16, 1686, Massachusetts Historical Society, *Collections*, 5th Series, v. 138.

² The summons to John Winthrop is printed *ibid.*, 6th Series, iii. 474.

³ Sewall's Diary, May 18: "Mr. Phillips had very close Discourse with the President, to persuade him not to accept: 'twas in Mr. Willard's Study Monday afternoon just at night. Mr. Stoughton and Mather there too."

⁴ Randolph to the Archbishop of Canterbury, July 7 (?), 1686, Toppan, *Edward Randolph*, iv. 88.

Increase Mather, and later in the day wrote to him that he never wanted his favor and advice so much, and desired that he might explain the reasons for his procedure at this crisis.¹ Unable to gain so valuable an ally, he put on a bold front and met the Old Court. Entering from the left with several of his Council, he took his seat on the bench and addressed the members of the old government, who were seated on the north side of the chamber. He greeted them as "considerable gentlemen of this place and Inhabitants of all parts of the countrey," and informed them that he could no longer deal with them as the Governor and Court. He then displayed the exemplification of the judgment against the charter and the commission for the new government. He offered to show them his instructions from the king and letters from the Lords of Trade, but hoped that they would not argue about the commands contained in them. He disclaimed any intention of harboring thoughts of revenge because of the injuries he had received, and assured them that although no address of the Governor and Court could come to the ears of the king, yet he and his Council would assist in getting a hearing in England for what "they know requisite for this peoples good."²

Danforth then said, "I suppose you expect no reply from the Court?" To which Dudley answered, "I know no Court here in being till the Kings Court be in order and settled; and it will incurr the Kings displeasure so to understand yourselves and I suppose what I now speak is the mind of the rest of the Council here present."³ The president and the Council then retired, while some of the old government spoke their minds. Some urged a protest; but others, Sewall

¹ Hutchinson, *History of Massachusetts*, i. 315 note.

² Massachusetts Historical Society, *Proceedings*, 1863-1864, p. 487.

³ *Ibid.*

among them, feeling "that the foundations being destroyed what can the Righteous do," advised acquiescence in the present conditions.¹

Three days later, on May 20, the Court passed a resolution replying to Dudley's address and criticising his commission. It declared that the commission contained no determinate rule for the administration of justice; that the subjects were abridged of their liberties as Englishmen both in the matter of legislation and in the laying of taxes; indeed, that all the privileges of the subject were transferred to the president and Council, "there being not the least mention of an assembly. . . . And therefore wee thinke it highly concernes yow to consider whither such a comission be safe, either for yow or us; but if yow are so satisfied therein as that you hold yourselues oblejded thereby, and do take vpon you the government of this people, although wee cannot give our assent thereto, yet hope shall demeane ourselves as true & loyall subjects to his maj^{ty}, and humbly make our addresses vnto God, &, in due time, to our gracious prince, for our reliefe."² This protest was read in Dudley's Council on June 1, when it was ordered that Rawson, who signed the paper as secretary, should be examined about the "libellous paper;"³ but, so far as the record shows, nothing was done. This was the only protest made by the Court or by an assembly of the people, and the new government was quietly established, as was ordered by the commission.

The commission on which the government of Massachusetts was based first recited the fact that the old Company was dis-

¹ Sewall's Diary, May 17, 1686, Massachusetts Historical Society, *Collections*, 5th Series, v. 139.

² *Massachusetts Colony Records*, v. 515.

³ "Dudley Records," Massachusetts Historical Society, *Proceedings*, 2d Series, xiii. 237-238.

solved, and appointed a president and council of seventeen, seven of whom should make a quorum for the transaction of business.¹ As has been seen, Joseph Dudley was appointed president; and the Council included his brother-in-law Bradstreet, his father-in-law Tyng, his friend and confident Stoughton, Wait, and Fitz-John Winthrop, and other members of the "honest" party.²

That an appointed council should replace an elected assembly was characteristic of the policy of the Stuarts; but the territorial jurisdiction assigned to the Council was still more significant of their plan for the regulation of New England. By the fall of the Massachusetts charter the way was paved for the union of most of the New England colonies. New Hampshire, already directly dependent upon the king, was united to Massachusetts; and the territory of Maine, the purchase of which had so angered Charles II, was added to the jurisdiction of the new government. That part of Rhode Island west of Narragansett Bay known as the King's Province was also

¹ Massachusetts Historical Society, *Proceedings*, 1863-1864, p. 487; also Board of Trade, *Colonial Entry Book, New England* (Ms.), 61, pp. 252-258. Professor Herbert L. Osgood, in his *American Colonies in the Seventeenth Century*, gives the most extended modern account of the temporary government.

² On May 29 Randolph wrote to Blathwayt, "This acquaints you that the 25 following the pres^d. and 14 of the Council mett at Boston and taking the oathes were entred upon the Gom^t: M^r Champernoon: was so much indisposed that twas not possible for him to come to Boston: Butt old M^r Bradstreet and his son wholly refused to accept the Commission as a thing contriued to abridge them of their libertye and indeed against Magna Charta: and Mr Saltenstall also diserted vs." (Goodrick, *Edward Randolph*, 171). At the first meetings of the Council the attendance never fell below nine, but on June 13 only Dudley, Stoughton, Usher, and Randolph were present; however, nothing but formal business was transacted. On three other occasions less than a quorum appeared, but at these meetings there was no business of importance. In two instances the records show the insertion of the same name twice in order to make up the needed quorum. See "Dudley Records," Massachusetts Historical Society, *Proceedings*, 2d Series, xiii. 226 *et seq.*

annexed. With the decrees against Massachusetts, Randolph also brought notice of *quo warranto* proceedings against Rhode Island and Connecticut; and it was planned to absorb Plymouth, which never had a royal charter. Thus the territorial policy of England stands out clearly, — to disregard the old charter boundaries and to unite the several colonies in one jurisdiction. Though this policy was initiated in the administration of Dudley, it is more clearly seen in that of Andros, when Plymouth, Rhode Island, and Connecticut were actually absorbed and New York was attached to New England.

The powers of the Council also show very clearly the contrast between the highly centralized ideas of the Stuarts and the democratic constitution of New England. In the first place, it was an appointed council instead of an elective assembly; but some care was taken to see that the various colonies were represented. For example, Edward Tyng and Francis Champenowne were from Maine, Robert Mason and Thomas Hicks from New Hampshire, and Fitz-John Winthrop represented the King's Province; the rest of the members were from Massachusetts, and included the former governor Bradstreet, with six of the former Assistants, Stoughton, Bulkley, Saltonstall, Pyncheon, Tyng, and Gidney. This apparently fair representation loses much of its force when it is noted that all of the councillors were from one party in the Court of Assistants, and that at the last election only three of the number had been returned. To this Council was given all judicial, military, and executive power. It could hear and try civil and criminal causes, allowing appeals to England in cases involving more than three hundred pounds, and it could erect inferior courts. It had no legislative power, nor could it levy new taxes; but it could collect the old ones and was intrusted with the expenditure of the proceeds. Liberty of

conscience was granted to all, and it was promised "that such especially as shall be Conformable to the rites of the Church of England shall be particularly Countenanced and encouraged." In short, its powers were not unlike those which the old Court of Assistants had possessed. In the former case, however, the magistrates owed their office to annual election, while the present Council was appointed during the pleasure of the king.

On May 25 the new Council held its first meeting. Dudley made a long speech in which he bespoke the coöperation of all loyal people, promised to make few alterations in the government, and those as "plain and easie" as possible, and again disclaimed all thoughts of revenge because of his late injuries.¹ The government was then proclaimed with considerable festivity, the health of the king, and the prosperity of the administration being drunk in wine to the cost of twenty-one pounds.²

The first sessions of the Council were spent in reorganizing the military and judicial system of the colony and providing for the support of the government.³ In so doing, Dudley fulfilled his promise to make as few alterations as possible. There were not many changes among the newly appointed justices of peace or militia officers, the most important removal being that of Danforth from his position as president of the Council of Maine, while Wait Winthrop was made commander of the castle in Boston, in place of Bulkley, who was unable to serve. Practically the former system of courts was con-

¹ "Dudley Records," Massachusetts Historical Society, *Proceedings*, 2d Series, xiii. 226.

² *Ibid.* 269.

³ *Ibid.* 230-237, May 26-28, 1686. A. S. Batchellor, in his edition of the *Laws of New Hampshire*, i. 810-827, reproduces a facsimile of an early folio of the orders passed by Dudley's Council; these, with additions and notes, are also printed, *ibid.* pp. 100-142.

tinued, with the substitution of the President and Council for the Governor and Assistants; but, according to the directions of the commission, appeals to England were allowed, — an innovation in Massachusetts. Stoughton was appointed deputy-president and chief justice. Although the form of the courts remained the same, there was much more system and carefulness of procedure: a probate court was established in Boston, and a record of births, marriages, and deaths was ordered to be kept. Since the commission did not allow the levying of new taxes, the old excise and custom duties were continued, and a system of judicial fees was also established.¹

The posts of collectors of the ports and clerks of the county courts were great prizes on account of the fees attached to these offices. In Boston, much to Randolph's disgust, Dudley appointed his son Thomas, "a stripling of 16 yeares old," as collector, and added some of Randolph's perquisites to the office.² In Maine and New Hampshire, however, Randolph had freer hand, and sold the right of exercising these functions to deputies for the sum of ten pounds a year.³ These and other positions were all filled with men "well affected to his Maj^{tie}, the cheifest whereof being Members of the Councill."⁴

In the executive and administrative relations with the territories under his control, Dudley and his Council accomplished some really constructive work. The Indians of New Hampshire and Maine were induced to renew their treaties of friendship, though there were signs of an approaching outbreak of hostilities.⁵ The Narragansett country, the King's Province, was visited by Dudley on June 23, and he held there

¹ "Dudley Records," 241-243.

² Randolph to Southwell, July 10, 1686, Toppan, *Edward Randolph*, iv. 91.

³ "Dudley Records," 261.

⁴ Toppan, *Edward Randolph*, iv. 81.

⁵ Palfrey, *History of New England*, iii. 503.

a formal court in which he published his commission, administered oaths, and appointed militia commanders.¹ The courts of justice were reorganized,² long-inherited disputes were settled, and an efficient government in that turbulent and disputed region was established. This work, peculiarly congenial to Dudley, was well done, and its effects were permanent; indeed, whenever in his career Dudley had a fair opportunity to exercise his administrative ability he was usually successful.

As soon as the Council was fairly organized, it prepared an address to the king and a report to the Lords of Trade. To the king the councillors expressed their gratitude for granting freedom of religion, and prayed for further commands for "the more intire dependance of Your Majesties Territory and Dominion upon Your Majesties Sacred Person, and the Crown of England for future times for ever."³ To the Committee they reported what they had done, and said that the militia was in the hands of those well affected to the government, "the cheifest whereof being Members of the Councill."⁴ But their real spirit is seen in the following instruction, which was voted in the Council but which does not appear in their report to the Lords of Trade: "That it will be much for his Majestys service, and needfull for the support of the Government, & prosperity of all these Plantations, to allow a well regulated Assembly to represent the people in making needfull lawes and levyes."⁵

One of Randolph's most frequent complaints against the former government was that it did not tolerate the services of the Church of England. In order to rectify this defect, the

¹ Massachusetts Historical Society, *Collections*, 1st Series, v. 246.

² *Rhode Island Colony Records*, iii. 200.

³ Toppan, *Edward Randolph* iv. 84. ⁴ *Ibid.* 80. ⁵ "Dudley Records," 244.

commission for the new government directed that special encouragement should be given to those who conformed to the Church of England. To minister to these, the Reverend Robert Ratcliffe, a clergyman of the Established Church, was sent to Boston with Randolph by the Bishop of London. Both Ratcliffe and Randolph expected that some notice would be taken of this act, and that Ratcliffe would have some official part in the inauguration ceremonies; but he was ignored by Dudley, who more correctly judged the temper of the people and resolved to give as little offence as possible. Nor did the Council give Ratcliffe more encouragement: as there were but two churchmen on the board, — Mason, who soon went to England, and Randolph himself, — few favors were shown to the church. Ratcliffe first came before the Council and asked for a place in which to hold his services.¹ Mason and Randolph suggested that one of the three churches in Boston be turned over to him; and when this was refused they obtained "the East-End of the Town House, where the Deputies used to meet; untill those who desire his Ministry shall provide a fitter place."² Thinking that toleration meant support, Randolph and Ratcliffe suggested that each of the three Boston churches should contribute twenty shillings a year for the support of Ratcliffe's ministry; but the Council, finding that an amount equal to fifty pounds a year was raised among his auditors, decided that he should look to them for his support.³ Over this treatment, Randolph vented his spleen in a letter to the Archbishop of Canterbury, particularly blaming Dudley, of whom he says, "As to Mr. Dudley our President he is a N: Conformist minister & for severall

¹ "Dudley Records," 253.

² Sewall's Diary, May 26, 1686, Massachusetts Historical Society, *Collections*, 5th Series, v. 141.

³ "Dudley Records," 262.

yeares preach'd in New Eng^d till he became a Magistrate & So continued for many yeares, but finding his interest to faile amongst that party, sett up for a King's man, and when in London, he made his application to my Lord of London and was liked of by some about his late Maj^{ties} person . . . [but] I find him very treacherous." ¹

The people were greatly interested, and crowded to the town house when the first service was held on June 6, 1686.² While the new ceremonies might attract the crowd, the ministers were alive to the intrusion, and exclaimed "ag^t y^e Common Prayer, calling it, mans Invention & there is more hopes that whoremongers & adulterers will go to heaven than those of y^e C of Eng^d." ³ Neither these harsh words nor the conduct of the Council improved Randolph's temper, and he did not scruple to multiply accusations. "They give encouragement to all phannatticks of all Sects & receive them from all places," he wrote to the archbishop.⁴ He reported that they had welcomed Mr. Morton, an excommunicated minister, and planned to make him president of Harvard College; and finally went so far as to accuse Dudley and his friends of appropriating for private ends funds entrusted to them for the evangelization of the Indians.⁵

Though the old government acquiesced in the change of rule, one of its last acts was to pass an order guarding its archives,⁶ and it was one of the unsuccessful attempts of Dudley's administration to gain possession of these records;

¹ Toppan, *Edward Randolph*, iv. 103-110.

² Foote's *Annals of King's Chapel*, i. 42-51, contains an account of the organization of the church, and on page 44 gives a facsimile of the record of the first meeting, at which Benjamin Bullivant and Richard Banks were chosen churchwardens.

³ Toppan, *Edward Randolph*, iv. 106. ⁵ *Ibid.* 131.

⁴ July 7 (?), 1686, *ibid.* 103-110.

⁶ *Massachusetts Colony Records*, v. 516.

but, though letters were despatched to Rawson, the secretary of the former government, and committees were appointed to receive the archives,¹ the papers were not surrendered until the administration of Andros. The treasurer of the old government gave less trouble, and his accounts were received on July 17, 1686.²

The only open resistance that Dudley experienced came from a few isolated individuals, and these were dealt with shortly and sharply. Four men who failed to observe a fast appointed by the President and Council were called before the Council and forced to make submission and take the oath of allegiance.³ One John Gold of Topsfield was also summoned for speaking "seditious words"; he was bound over and tried by the Superior Court, where he was found guilty and sentenced to pay a fine of one hundred pounds and to give a bond for his future good behavior. This sentence was afterwards reduced to twenty pounds, and finally Gold was discharged;⁴ but the lesson was well learned, for there is no further record of any seditious speaking, of which Dudley was at all times peculiarly suspicious.

Dudley owed his position to Randolph, who entirely misjudged his character. Randolph imagined that Dudley's willingness to serve the king and to profit personally by the change in government would give himself a free hand to make his fortune and to obtain a reward for the eleven years of difficult labor which he had performed. He thought that there should be a partnership for plunder between him and Dudley; and when he found that the President intended to

¹ "Dudley Records," 250, 271, 273, 281.

² *Ibid.* 235, 263.

³ *Ibid.* 262, 263, July 27, 30, 1686.

⁴ *Ibid.* 263, 264, 269, 276, July 30, August 5 and 25, September 25, November 9, 1686.

make his government as tolerable as possible for Massachusetts his wrath knew no bounds. "I am treated by Mr. Dudley worse than by Mr. Danforth,"¹ he wrote; and, to Randolph, Danforth was the arch-traitor to the king. He misjudged the character of both the President and the Council, who, while loyally attempting to carry out the commission of the king, were making as few changes in the spirit of government as possible. In his disgust, he wrote to Sir Robert Southwell that the government of Massachusetts was "still but y^e Gov^r & Company."²

His complaints and accusations were numerous. It has already been seen how he utilized the religious difficulties to discredit Dudley. He went even further. He accused the President and Council of hampering him in the exercise of his duties as collector of customs.³ He asserted that Dudley was an accomplice of Captain George of the royal frigate *Rose*, in which Randolph had come to Boston, and that they were profiting at the expense of his perquisites and to the detriment of the royal revenue.⁴ The records show, however, that ports of entry were established and that ships were seized for breaking the trade laws; and it may be believed that under the eyes of the royal officials, the Massachusetts government was making some effort to carry out its instructions along these lines. Randolph's occasions for complaint were probably due to two circumstances. He had quarrelled with Captain George on their long five months' voyage from England, and George had started a cruel slander concerning Randolph's wife;⁵ George, moreover, was extremely sensitive concerning

¹ Randolph to Blathwayt, July 28, 1686, Toppan, *Edward Randolph*, iv. 97-100.

² July 10, 1686, *ibid.* 91-93.

³ Randolph to the Lord Treasurer, August 23, 1686, *ibid.* 113.

⁴ Randolph to Blathwayt, as above.

⁵ Randolph to Southwell, July 10, 1686, *ibid.* 91-93.

his prerogatives and rebuked Randolph and his men for exceeding their authority.¹ Furthermore, Dudley and his Council were forced to decide, in a question of jurisdiction, against the wishes of Randolph and to release a ship which he desired condemned.² It is significant that these charges were not acted upon in England; nor could those of Dudley's enemies who later attacked him most bitterly find any other evidence of such misdoing than these accusations of Randolph.

In addition to the charges of non-enforcement of the trade laws and misappropriation of trust funds, Randolph also accused Dudley of engrossing great tracts of land.³ To this charge it is sufficient to note that there is no record that any lands were granted by the Council either to Dudley or to any of the members of his Council. On the contrary, Dudley petitioned for a large grant of land in New Hampshire, and this petition was referred to Andros for investigation.⁴

Taken as a whole, the government of Dudley and his Council was not "hard or grievous to bear." Few innovations were made; for, in spite of their loyalty to the king, Dudley and his associates were men of Massachusetts, and as such were conservative. There may have been favoritism and nepotism, and perhaps cases of corruption; but the government was neither tyrannical nor cruel. In many ways the Council tried to soften its rule, as is seen in its petition for an assembly; but the administration was hated because it rested not on the will of the people, but on a commission of the crown. Throughout his life this was the charge most often urged against Dudley, — that he had accepted an illegal commission. The

¹ *Ibid.*

² "Dudley Records," 272.

³ Randolph to the Lord Treasurer, August 23, 1686, Toppan, *Edward Randolph*, iv. 115.

⁴ Instructions to Andros, *New York Colonial Documents*, iii. 547.

accusations of Randolph were soon dropped, but the people could never forget that Dudley had been the royal instrument for the overthrow of the charter. No matter how fair an administration he had given, he was hated as a tool of the king and a betrayer of the charter.

It is interesting to compare the attitude of the people toward Dudley with their feeling toward Stoughton. Stoughton had been an agent in England, and like Dudley had sought some office from Randolph when the government should be overthrown;¹ but he had returned before the final assault upon the charter, had, in a measure, lived down his unpopularity, and now, though deputy-president, chief justice, and Dudley's confidant, he was thought by the people to be acting in their interests to keep out worse tyrants. Dudley, on the other hand, who was not more unsuccessful in England than Stoughton, but who had profited immediately by the change in government, was universally detested. As a matter of fact, it was Dudley's alliance with Randolph that had done much to save the colony from a man like Kirke and to put it under the rule of a native; and his administration proved that such a government was easier to bear than one under a royal governor, even of the Andros type.

¹ Randolph to Stoughton, July 18, 1678: ". . . I feare therefore that I shall not gett a positive direction from the King as you intended, but feare not but I will gett you into some place of profit & advantage. . . . W^t money I lay out in y^r busines shall account at our next meeting." Toppan, *Edward Randolph*, iii. 31.

CHAPTER III

NEW ENGLAND REGULATED

JOSEPH DUDLEY AND THE RULE OF ANDROS

1686-1689

THE annulment of the Massachusetts charter was necessary because the colony was unwilling to submit to English legislation and control. The old government of Massachusetts, with its ideas of particularism and independence, could not be allowed to thwart the designs of the king and the Lords of Trade. The presidency of Joseph Dudley was also but a step in making those ideals effective in New England, and was but a temporary expedient. Dudley was chosen partly through the influence which he was able to exert upon the committee, and partly because, in the disordered condition of England, he seemed an easily available man. It was not the least point in his favor that he was a native of New England, for it was believed that under such a one the people of Massachusetts would be more content to accept English control and dictation; but neither the form of government nor the territory over which he ruled was considered, by the Lords of Trade, as permanently settled.

Dudley's commission was dated September 27, 1685, but his government was not inaugurated till May 17, 1686; and in June of that year a more comprehensive commission was issued to Sir Edmund Andros.¹ Dudley's commission, as has

¹ Massachusetts Historical Society, *Collections*, 3d Series, vii. 139-149.

been seen, established a council which was an executive and judicial body, but possessed no power to levy taxes or to make laws; the system instituted by the commission granted to Andros perpetuated the idea of government by an appointed council, but with greatly enlarged powers. The new council was allowed to make laws, which must, however, be sent to England for approval; and with the consent of the council the governor was instructed to "continue to Raise and Levy such Rates Taxes and Impositions, as are now or have lately been Laid," while new and additional ones were to be levied only after the consent of the king had been obtained.¹ The other powers granted in this commission were not unlike those given to Dudley. Such a government might enable the king and the Lords of Trade to make their commands effective; it would make possible many of the needed reforms; it would make Massachusetts truly a part of the dominions of the crown; but it was entirely contrary to the political experience and habits of thought of the New Englanders. To ask a people accustomed to annually elected magistrates and an assembly, to surrender these privileges, was to doom such an experiment to failure. The powers granted to Dudley had seemed too great and too dangerous, and even some of his Council had desired an assembly; but the powers given to Andros seemed nothing less than tyrannical.

In the two commissions granted to Andros in 1686 and 1688,² the territorial adjustment of the northern English colonies was completed. For ten years the question of their consolidation had been under discussion. Randolph's reports had shown the evils of having so many divided jurisdictions

¹ Andros's instructions of 1686, *Laws of New Hampshire* (ed. Batchellor), i. 155-168.

² Commissions and instructions, *New York Colonial Documents*, iii. 537-550.

and had advised their union under a governor appointed by the king. In the commission granted to Dudley a decided advance was made, for Maine and New Hampshire were united with Massachusetts. Even wider plans, however, were under discussion by the Lords of Trade; and before the commission to Dudley was issued Randolph was ordered to prepare charges against both Connecticut and Rhode Island, with the purpose of vacating their charters by *quo warranto* proceedings and uniting them to Massachusetts.¹ A copy of the writ against Rhode Island was received by Randolph in 1686, and upon its service Rhode Island submitted to the crown.² Connecticut was able to take advantage of technicalities and so to postpone her submission. Owing to various delays two writs issued against her were outlawed before they could be served, but a third one, prepared October 23, 1686, was served in December of that year. Just before this, Andros arrived with instructions to assume the government of Connecticut in case that colony should submit to the king. In 1687, after considerable correspondence, Andros and several of his Council went to Hartford, where on October 31 he took control of the government and the colony was annexed to his jurisdiction.³ The governor, Treat, and the secretary, Allyn, were added to the Council to represent Connecticut. But though all New England was brought under one jurisdiction, the Lords of Trade were not yet satisfied: their attention was turned to New York and the Jerseys. In 1688 the proprietors of the Jerseys surrendered their charters, and Dongan, governor of New York,

¹ July, 1685, Toppan, *Edward Randolph*, iv. 24.

² *Rhode Island Colony Records*, iii. 190. On June 27, 1686, Randolph wrote to Povey, "I left with the Gon.^r of R: Island a Superannuated Summons of the Quo Warr^{to} They are a sad sort of Mortalls as you euer heard of." — Goodrick, *Edward Randolph*, 178-179.

³ *Connecticut Colony Records*, iii. 248.

was superseded.¹ A new commission was issued to Andros whereby he was made governor of practically the whole region north of the Delaware River, representatives from New York and New Jersey were added to his Council, and a single government was established for the whole region.² The plans of the Lords of Trade were now complete, and they were ready to enjoy the advantages of their policy.

From the English point of view, this policy was statesman-like and had many obvious advantages. To England the territory of the several colonies seemed small and their conflicting claims and jurisdictions petty. The Committee was weary of listening to disputes over boundaries and titles that were comparatively unimportant. It was difficult to deal with nine separate governments and to enforce a harmonious policy in five separate assemblies. A consolidation of these territories and the establishment of a government easily controlled by the crown seemed desirable. Not only would the petty disputes cease, but the administration of the law of England and her colonial policy would be effective. In addition, the military advantages were obvious. Already the crown had experienced difficulties in directing the military strength of the several colonies which augured ill for the future. Under this plan no such difficulties were anticipated, and it was expected that the government could direct the military resources of the united colonies as its policy might demand.

These very advantages, however, made the execution of the plan impossible in America. In all the New England colonies the governments were intensely democratic and dependent on the frequently expressed will of the people. In all there was a dread of executive usurpation. Each colony

¹ *New York Colonial Documents*, iii. 550.

² *Ibid.* 537-542.

was jealous of its own resources, and was unwilling, save under the greatest necessity, to employ its troops outside of its own borders. Each had a policy of its own which in few cases would coincide with that of England, and which, even in those cases, commended itself to the colonists not as the policy of England, but as their own. Further dependence upon England and English control was not desired by the great majority of the people; rather they wished greater freedom and independence to carry out their own ideals. Finally, the foundation of the New England colonies was the result of particularism, and each felt its own individuality intensely. If the colonists themselves had failed to conquer their own prejudices and make the old New England Confederation permanent, it could hardly be hoped that a plan so alien to their thoughts as this could succeed.

Thus far the policy of England had been successful because it had involved legal questions which had been decided by English judges. There was, moreover, enough doubt in the colonies to prevent open resistance until the results of this policy should be clearly seen. In order to utilize the advantages thus far gained much depended upon the choice of the governor and his advisers; and in the appointment of Andros, the Committee displayed the same care which it had shown in the substitution of Dudley for Kirke.¹ Sir Edmund Andros was, it is true, a favorite of James II; but he was personally honest and incorrupt. He had been governor of New York and had first-hand knowledge of the situation in New Eng-

¹ Whitmore (*Andros Tracts*, i. pp. xxiii-xxvii) was one of the first to attempt to defend the character of Andros from the charges of Palfrey and the older historians. Professor Osgood, in his *American Colonies in the Seventeenth Century*, iii. 393-415, reviews the administration of Andros in an equally favorable light; while Professor Channing, in his *History of the United States*, ii. 173-185, from a fresh reading of the records takes a more severe view.

land. He was a soldier, but not a cruel man, and in his former experience in New York and his subsequent administration in Virginia he displayed considerable liberality. He was not, however, broad-minded, but a practical man who, without tact and with little sympathy for the ideals of others, attempted to perform his duty, which, as he believed, was to make the will of his superiors effective. It was not his personal character, or his personal failings (though these were many), but rather the task which he was called upon to perform, that caused the failure of the English policy in New England.

With the arrival of Andros at Boston, December 19, 1686, Dudley's temporary administration came to an end. On the following day Sir Edmund took the oaths from Dudley, published his commission, and assumed control of the government.¹

The Council consisted of twenty-seven men drawn from the territories under the jurisdiction of Andros, and included twelve of those who had been members of Dudley's Council. Seven was the number necessary for a quorum, but business could be transacted when there were only five present. From the records it appears that the largest council meeting was attended by twenty-one; but that number was never again equalled. Usually the attendance consisted of Andros, Randolph, Dudley (who was absent from but three meetings), and Usher, the treasurer; while Stoughton and Bulkley were ordinarily present and Wait Winthrop not often absent.²

¹ December 20, 1686, "Andros Records," American Antiquarian Society, *Proceedings*, New Series, xiii. 240.

² That the enthusiastic welcome given to Sir Edmund was perhaps not altogether spontaneous may be gathered from the following extract from a letter of Randolph, December 22, 1686: "His Excellence was receiued at his Landing here with the Huzzaes of an innumerable company of poeple placed by the water side for his reception." Goodrick, *Edward Randolph*, 207.

Thus, the majority of those who were responsible for the government had been discredited by the colonists, but were regarded by Randolph as well affected; they were the same men who were associated with Dudley in his administration. Of these men the colonists held Andros, Randolph, and Dudley responsible for the so-called "tyranny" of Andros. This fact is significant as showing that, however much the constitutional theory of the government may have been questioned, it was the specific acts committed by the leaders that were most hateful to the people.

As a member of Sir Edmund's government Dudley played an important part. He was constant in his attendance on the council meetings, and his advice and services were sought on all important matters. In his own administration a collection and revision of the laws of the colony had been begun, and Andros soon put Dudley on a committee to continue this work.¹ He was appointed on the important committee to prepare the revenue bill, and on the one to fix the fees for the judges.² He was made chief justice of the Superior Court,³ and censor of the press of the colony;⁴ he also served, as one of the judges, on the committee to prepare the bill to regulate the town meetings and the election of the town officers.⁵ Thus from his activities as a councillor it can readily be seen why the people hated and distrusted him; but it was not so much his conduct as a legislator, in which Stoughton, Bulkley, and Winthrop were equally involved, as it was his acts as a judge in enforcing the laws passed that aroused the greatest opposition.

As has been shown, the whole theory of the government of Andros was questioned by the people; but in the operation of this government three points aroused bitter opposition. In

¹"Andros Records," 246. ²*Ibid.* 244. ³*Ibid.* 267. ⁴*Ibid.* 249. ⁵*Ibid.* 478.

determining all of these, Dudley was the central figure. The question of obtaining a sufficient revenue for the support of the government was a vital one for the Andros administration. By his commission Andros was directed to levy taxes for this purpose; while by his instructions he was directed to "continue to Raise and Levy such Rates Taxes and Impositions as are now or have lately been Laid . . . untill upon your further Examination and inquiry you shall represent unto us the Nature and quality of Such Rates, . . . how the same are Raised, . . . and what other Taxes may be Raised . . . as also what shall be necessary for the Support of the annuall Charge of Our Government there."¹ Technically there were no revenue laws in existence, as the General Court had voted, on October 10, 1683, that all laws for the collection of taxes should expire in 1684.² Nevertheless, the imposts were twice extended for a year at a time and collected by Dudley;³ while the ordinary country rates were, in 1684 and 1685, levied as they had been previously to 1684,⁴ and were continued by Dudley.⁵ All that Andros did was to continue these same laws.

He was, however, in the "Narrative of the Proceedings of Sir Edmond Androsse and his Complices" (an *ex parte* statement prepared by some of his councillors after the overthrow of his government in 1689, possibly to extenuate their own share in his government), accused of putting through the tax bill without counting the votes;⁶ and in a letter to Cotton Mather, Dudley

¹ *Laws of New Hampshire* (ed. Batchellor), i. 158-159.

² *Massachusetts Colony Records*, v. 414.

³ *Ibid.* 438, 476; Whitmore's *Laws of 1672*, p. 312; "Dudley Records," Massachusetts Historical Society, *Proceedings*, 2d Series, xiii. 241.

⁴ *Massachusetts Colony Records*, v. 454, 505.

⁵ "Dudley Records," as above.

⁶ *Andros Tracts*, i. 140.

asserts that he never assented to the tax bill.¹ That there was opposition to this plan of continuing the former taxes the bare official records testify, for the bill was under discussion for more than a week in several council meetings at which never less than seventeen were present; and the records also show that Stoughton and Hinckley tried to delay it under the "pretence of having Some amendments."² Their opposition, says Randolph, was but a part of the opposition of the landed class: "The Merch^{ts} are for Land Taxes; but M^r Dudley Stoughton and others who haue gott very large tracts of Land are for Laying all vpon the trading party."³ Andros, however, was not unreasonable; he insisted that the taxes and rates which were "according to the printed Law title publick Charges" should be levied by the Council.⁴

The revenue collected according to the old law was not sufficient to defray the expenses of the government. Indeed, Andros had anticipated as much, and in accordance with his instructions had so reported to the king.⁵ In August, 1687, he was ready to make certain specific recommendations, which he sent to the king,⁶ and on November 3 the following direction was sent to him: "We approve of your proceedings in respect of the revenue, as reported in your letter of 31 August, and direct you to carry your proposals for the increase of customs and excise, etc., into effect."⁷ These proposals were incorporated into an act for additional revenue and imposts, and were passed at a meeting of which no records remain.⁸

¹ Massachusetts Historical Society, *Collections*, 6th Series, iii. 501.

² "Andros Records," American Antiquarian Society, *Proceedings*, New Series, xiii. 256.

³ Goodrick, *Edward Randolph*, 211.

⁴ "Andros Records," 256.

⁵ *Calendar of State Papers, America and West Indies*, 1685-1688, No. 1197.

⁶ *Ibid.* No. 1414. ⁷ *Ibid.* No. 1502. ⁸ *Connecticut Colony Records*, iii. 433.

Thus, although Andros may have been overbearing and arbitrary in his dealings with his Council, it is hard to see anything illegal in his method of raising money for the support of the government; on the contrary, there is evidence of a desire to carry out his instructions in the face of opposition from the colonists. He continued the old rates in spite of the attempt of some to shift the burden of the taxes; and levied additional ones only after he had laid his suggestions before the king and received permission to do so.

It was Dudley's part in enforcing this bill which made him particularly odious to the people. John Appleton, a former Assistant, and the Reverend John Wise of the town of Ipswich, led the resistance. On the evening of August 22, 1687, the day before the town-meeting was to be held, several of the inhabitants of Ipswich met at Appleton's house "and there discoursed and concluded that it was not the Towns Duty any way to assist that ill method of raising Money without a general Assembly."¹ Accordingly the next day the town refused to elect a commissioner to assist in levying the prescribed rate. As a result, Appleton, Wise, and four others were charged with contempt and tried before Dudley and Stoughton. In his examination of Wise, it is asserted, Dudley used the phrase that was destined to trouble him in his later career, "Mr Wise you have no more priviledges left you, than not to be sold for Slaves."² In accordance with his directions the jury rendered a verdict of guilty, and the prisoners were remanded to jail for three weeks and then heavily fined and put under bonds for future good behavior. Legally, Dudley's position was perhaps correct (though it is charged that the case was tried before a packed jury), and doubtless the colonists

¹ *Andros Tracts*, i. 83. See also Waters, *Ipswich in the Massachusetts Colony*, 237-255.

² *Andros Tracts*, i. 85.

needed some sharp lesson to make them realize their altered condition; but it was unfortunate for Dudley that he should have been the person to teach his fellow-countrymen this lesson. No defence can be made for his overbearing manner or for his harshness in the examination of the prisoners. These unfortunate characteristics frequently hindered him in the execution of his duties and rendered him hated throughout the colonies.

Since the commission of Andros contained no provision for a general colonial assembly, the only legal gatherings left for the people were their town-meetings. Whether a town in Massachusetts was, like Dorchester, founded without the formal consent of the General Court, or, like the later towns, by the express and formal action of the Court, all of them considered themselves communities incorporated by the General Court and possessing the rights of self-government, taxation, and jurisdiction over the lands within their limits. To an English lawyer these pretensions seemed illegal; and technically, the towns in Massachusetts, being created by a non-sovereign body, had no legal standing as corporations. Emphatically this was true in the eyes of Andros and of his English associates on the Council. Therefore it is not strange that the governor attempted to "regulate" the towns, a proceeding which greatly infringed upon their privileges. The duties of the towns in levying taxes were discussed by the Council, and finally, upon the report of a special committee of which Dudley was a member, a bill was passed making it unlawful for a town to hold meetings except at designated times, and then solely for the purpose of electing selectmen and constables and a tax commissioner to assist in levying the rates voted by the Governor and Council.¹ Thus the town-meetings were forbidden to criticise or discuss the conduct of the

¹ *Connecticut Colony Records*, iii. 427.

Governor and Council, and by the election of a tax commissioner were forced to become allies of the government in the collection of taxes.

But a still more serious attack was made upon the town system. Andros was directed by his commission to dispose of such lands "as now or hereafter shall be in our power to dispose of," and by his instructions was required to dispose of "other Lands Tenements and Heriditam'ts for which Our Royal Confirmation may be wanting." This clause was probably inserted in the instructions with a purpose, and its execution was designed to raise serious questions concerning substantially all the land titles in Massachusetts. Practically none of the landowners derived their titles from the king. An Indian deed or a grant from the General Court was the most that was thought necessary; and even these tenures were not usual, the majority of the landholders deriving their titles from the grants of towns, corporations which, by English law, had no legal standing. In addition there were in many towns lands or commons held, not by any individual, but by the town in its corporate capacity. Andros and his advisers held that there were few valid titles in Massachusetts, and served writs of intrusion on various individuals to force them to take out patents and pay a quitrent. Moreover, his favorites began to petition for the common lands, which, they asserted, were illegally held by the towns.

Dudley's position on this question was typical and consistent. He advised Andros that the clause in his commission referred only to waste lands, not to those held by individuals. He spoke openly against Randolph when he asked for Nahant Neck and Cambridge Common;¹ but he had doubts concern-

¹ Dudley to Cotton Mather, June 5, 1689, Massachusetts Historical Society, *Collections*, 6th Series, iii. 505.

ing the legality of his own titles, and believed that in a court of law they would be held invalid. Yet in the Council he never voted to grant lands already occupied to any but their present owners. Unlike Sewall, who after many waverings and questionings finally petitioned for the confirmation of his title,¹ Dudley seems to have sought this security quite willingly;² and in this course he was followed by some of the leading men in the colony.³

If the government of Andros was in direct contradiction to the political ideals of New England, the logical exercise of its powers was such as to render it intolerable; nor was the temper of Andros or Dudley or their subordinates conciliatory, but rather harsh and overbearing, in the extreme. Although the news of the success of William of Orange was known in Massachusetts in March, there was no open demonstration against Andros until the receipt of the "Declaration" which William issued upon undertaking the invasion of England. By this he declared that "all Magistrates who have been unjustly turned out, shall forthwith resume their former Employments." Although in all probability this clause applied solely to magistrates in England, "it imparted the

¹ See Sewall to Increase Mather, July 24, 1688, *ibid.*, 4th Series, viii. 517; for Sewall's petition, *ibid.*, 5th Series, v. 220-221.

² "Andros Records," American Antiquarian Society, *Proceedings*, New Series, xiii. 487.

³ In a note in Massachusetts Historical Society, *Collections*, 6th Series, i. 68, the legality of Andros's proceedings is argued. It would seem that he could have taken no other course, a fact recognized by Dudley, Sewall, Stoughton, and some of the leading men in the colony; but the technical legality of his conduct does not diminish the selfishness of Randolph or the injustice done to the colonists. Andros and Dudley were trying to carry out the policy of England, which showed a "tendency to apply principles of law and methods of legal procedure which had been developed in England to its colonies, with a sublime disregard of the wishes of the colonists and of conditions which necessarily prevail in frontier settlements." — Channing, *History of the United States*, ii. 184.

needed impulse to colonial revolt in that it gave or seemed to give a quasi-legal sanction to the rising."¹ There was a general uprising in Boston. Andros, Randolph, and Captain George of the frigate *Rose* were seized and imprisoned, and the former government, with Bradstreet as governor, was reestablished.

Dudley was, in the words of Danforth, "in a peculiar manner the object of the people's displeasure."² He was returning from holding court on Long Island when he was seized, brought to Boston, and confined in jail. He was ill at the time, and was therefore released on a bond for a thousand pounds given by Shrimpton, Paige, and Hutchinson on condition that he be "confined to his house at Roxbury till further Ord^r not to go out of said house or the precincts of his yard . . . except to the public worship of God on the Sabbath."³ About midnight, however, a mob broke into his house and carried him back to the jail. The keeper, fearing that this high-handed act would involve him in difficulties, refused to receive him without a warrant from the magistrates. Unable to obtain this, the mob took him to the house of his niece, Mrs. Paige, where he was confined. Again his enemies came to search for him, but, though wrecking the house, failed to find him.⁴ His brother-in-law, Bradstreet, on whom the preservation of the peace devolved, then wrote to him: —

"S^r. The tumult in the town is So Great & so Suddene & no Reason will be heard or regarded, that I am necessitated earnestly to entrent you for ye Safety of yr Selfe & family

¹ Channing, *History of the United States*, ii. 199.

² Danforth to Increase Mather, quoted in Hutchinson's *History of Massachusetts*, i. 348, note.

³ Board of Trade, *Papers, New England* (Ms.), 5, No. 21, iii.

⁴ *Calendar of State Papers, America and West Indies*, 1689-1692, No. 310.

& well fare of ye whole country to yield quietly to yr present stresse which I hope you will never repent.

have respect I pray to
the glory of Gode the
welfare of this people.

Your cordiall friende
humble Serv^t
S. Bradstreet." ¹

Dudley, perhaps willing to secure his personal safety, complied with the request and was lodged in jail, where he remained for ten months, until the king ordered his release and transportation to England.

When he arrived in London, he and his fellow-prisoners were confronted with a list of charges prepared by a committee of seven of the leading colonists.² Dudley was accused of having committed no less than one hundred and nineteen illegal acts, the most frequent charge being that of proceeding illegally in the administration of justice. Associated with this charge was the exaction of excessive fines and fees. The first accusation may be easily dismissed; for, granting the legality of the commission of Andros, nothing illegal can be attributed to Dudley in the actions alleged. But though there was no illegality there was sufficient arbitrariness to account for the hatred of the people; and it is significant that in his letter of defence, written while he was still in prison, to Cotton Mather, Dudley makes no apology for his conduct on the bench.³ In this letter, however, he denies that he was responsible for excessive fees, saying that he never gave a warrant for any, and that all were fixed by the Council. Here the records give absolute evidence to the contrary; for Dudley was one of a committee of five to settle the fees, and it is prob-

¹ Board of Trade, *Papers, New England* (Ms.), 5, No. 21, iv.

² *Andros Tracts*, i. 149-173.

³ June 5, 1689, Massachusetts Historical Society, *Collections*, 6th Series, iii. 501.

able that his influence as chief justice had great weight. He was, moreover, on the committees that settled and approved the fees granted to Randolph. Even if he were personally innocent, therefore, he was morally responsible for much of the system.

The next group of charges refer to his presidency, the most important being that he accepted an illegal commission. How much weight this charge would have with the Lords of Trade, who themselves drew up the commission, may well be doubted; and Dudley shrewdly answers that it was his duty to accept it, and that this was the opinion of several of the important people of the colony, since they took office with him, — an evident hit at Winthrop, who helped prepare the charges.

He is next accused of having shown a malicious spirit in his letters before the loss of the charter, and to have plotted for its destruction. There is, however, no evidence that he plotted for the destruction of the charter or sought office before the orders for the *quo warranto* were issued. On the other hand, he expressly denies this charge, and it has been shown from hostile evidence that he was working for the interests of Massachusetts until the case became hopeless. Even if the charge could have been substantiated, Dudley's willingness to accept office and to make effective the policy of the committee would have been a recommendation in its eyes; but the fact remained that the colonists could not forgive him for gaining advancement through their misfortunes.

Several minor complaints were made against him for acts committed during his administration. Some of these have been mentioned and discussed; but the charge most emphasized was that he cheated the crown out of its just dues by false accounts. The only evidence offered for this accusation were the letters of Randolph already quoted; but these were

very dangerous weapons, for in the first place, they show that Randolph did not get as much plunder as he expected, and are therefore to Dudley's credit, and, secondly, Randolph himself was accused of being the accomplice of Dudley, and hence his testimony is to be discredited.

Dudley's defence to the king was brief and dignified.¹ He called attention to his fifteen years of service in the government, reminded the Committee how he had appeared before it as agent for the colony, and briefly spoke of his service as president of the temporary council. He declared that both as judge and as councillor, under the Andros government, "he faithfully to his understanding served the Crowne & the true interest of those Plantations . . . and according to his best skill gave Judgement in matters of Law according to the Lawes and Statutes of the Realm of England and the peculiar Laws of that Government." He then described his experience during the revolution, and submitted his case to the Lords of Trade. This defence was presented to the Committee April 24, 1690; but, as no person appeared for the colony to sign and assume the responsibility for the charges against Dudley and his fellow-prisoners, the king ordered their discharge.²

It is not probable that, even if the colony had been able to push the charges farther, the action of the king and committee would have been different. Dudley and Andros may have been unwise, certainly they were overbearing and tactless; but in their attempt to make effective the will of the English government, and in their execution of the decrees of the courts and the commands of the Lords of Trade, it would have been difficult for the English authorities to find anything illegal. Indeed, it was their zeal to carry out their instructions that had rendered them so unpopular and that led the colonists

¹ *Andros Tracts*, ii. 182.

² *Ibid.* 173, *et seq.*

to make charges so impossible of proof. Dudley, moreover, was too valuable an instrument for the Lords of Trade to lose. He had shown his readiness to accept their policy while agent for Massachusetts; he had served creditably as president of the temporary council after the dissolution of the Company; and on Andros's arrival he had surrendered his office and taken the place of chief justice, where he had done much to make the administration an immediate success. But it was the very success of his policy which showed the colonists their true position and led to the overthrow of the government. It has been suggested that Dudley did all in his power to render the administration hateful, hoping that by its fall he might gain some advantage. From a study of his later career this does not seem probable. As his whole life shows, Dudley was a consistent adherent to the power of the crown and to its prerogatives, whether exercised directly or by deputy. As president, he asserted his own rights, and as chief justice he was equally careful of the prerogatives of Andros. He tried consistently to carry out his instructions, cost what it might. It was for this latter characteristic that he was sought as an administrator both in England and in the colonies; but this trait, together with his failings of temper, made him the most unpopular man in the Andros administration. Though he was acquitted and rewarded by the king, Dudley's record followed him throughout his life and made him the most hated man in New England; and because of this his later administration as governor of Massachusetts was rendered exceedingly difficult.

CHAPTER IV

SCHEMING FOR OFFICE

JOSEPH DUDLEY MEMBER OF THE COUNCIL FOR NEW YORK,
DEPUTY-GOVERNOR OF THE ISLE OF WIGHT, MEMBER
OF PARLIAMENT

1689-1702

ALTHOUGH the charges against Dudley were dismissed, his position in England was far from enviable. Not only had he apparently lost the influence of his friends in Massachusetts, but he was so detested in that colony that he might expect its enmity to continue to pursue him. He was in the position of a discharged prisoner against whom the indictment has failed for want of evidence. It is true that he was released; but he was in London separated from his friends and relatives, on whose assistance he might count, and jealously watched by the Massachusetts agents, one of whom was Elisha Cooke, his bitter enemy. Although his conduct might escape condemnation, it was evident that William III would be unwilling to offend the colonists, just as his struggle with France was beginning, by rewarding a fallen official of James II.

But Dudley had one friend at this crisis who now aided him. William Blathwayt was a power in colonial affairs. Through all the changes of sovereigns, shiftings of committees, and alterations in the personal composition of the board, Blathwayt, as one of the Lords of Trade and as clerk of the Privy Council, contrived to remain a permanent element in the direction of

colonial affairs. He was probably better versed in the details of colonial administration than any one else in England, and by his superior knowledge was doubtless often able to lead the Lords to his point of view. Needy office-seekers, discontented or discredited officials, anxious promoters of colonial schemes, sought his aid and influence in many ways, some of which were not above suspicion. On his first voyage to England, Dudley had carried a letter to Blathwayt, and from that time had kept up his interest by letters, visits, presents, and possibly bribes. Blathwayt, moreover, knew the worst about Dudley, for Randolph tried to poison his mind against him; but so ready had Dudley been to carry out the policy of the Committee that Blathwayt stood his sponsor in this critical period.

It is hard to determine what other friends Dudley had in England at this time, but it is known that a certain Dr. Daniel Cox was one of them. This was not the first instance of their coöperation. Cox was one of the proprietors of West New Jersey, and was evidently ready to advance his fortune in other colonies as well; for he, Stoughton, and Dudley had obtained a tidy grant of eight square miles in the heart of Massachusetts.¹ Cox now came to Dudley's assistance, and by magnifying his abilities materially improved his chances for obtaining some post in the colonies.

An office in Massachusetts at this crisis was out of the question, but one was obtained for Dudley in New York. How he became acquainted with Sloughter, the newly-appointed governor of that province, is not known; but on September 23, 1690, Sloughter wrote to Blathwayt that he desired Dudley to be the chief of his Council, since he knew him "to be not

¹ "Andros Records," American Antiquarian Society, *Proceedings*, New Series, xiii. 487, December 19, 1687.

onely of exquisite pts but also experienced in ye affairs of that countrie.”¹ This position Dudley accepted, and before sailing wrote to Blathwayt thanking him for the favors he had shown and significantly adding, “I hope the settlement of N. Eng^d will at length come under consideration wherein if I may be remembered I shall attribute it to your kindness.”² Once again before leaving England, Dudley expressed to Blathwayt his willingness to serve New England. The occasion for this letter was the fact that Cox had offered Dudley the position of deputy-governor of West New Jersey, and had sent a letter urging the king to confirm the appointment.³ Dudley put himself and his fortunes in Blathwayt’s hands and offered to resign “that & any other province if I may be thought worthy & capable of any post in the settlem^t of my own country.”⁴ It is thus evident that he hoped to return to Massachusetts in some official capacity, and regarded the position in New York as a temporary affair.

Although Dudley might regard the position of chief of the Council of New York as a mere stepping-stone to some post in Massachusetts, he displayed the same energy in his new field that he had shown at home. He exercised the same diligence in attendance on council meetings; during his residence of a little over a year in New York, he was absent from but five of the thirty meetings that were held.⁵ The skill that

¹ *British State Papers, America and West Indies* (Ms.), 578, No. 161.

² *Ibid.* No. 180.

³ There is a copy of a commission for Dudley as deputy-governor of West New Jersey in Massachusetts Historical Society, *Proceedings*, 1869-1870, p. 204.

⁴ Dudley to Blathwayt, November 20, 1690, *British State Papers, America and West Indies* (Ms.), 578, No. 186.

⁵ *Journal of the Legislative Council of New York*, i. 1-15. According to Randolph, Dudley’s activities were not confined to purely administrative affairs; for he accuses “Ioseph the Jew (for so now M^r Dudley is called)” of persuading Governor Sloughter to erect a court of admiralty, although he had no com-

he had shown in dealing with Indians in Massachusetts was recognized in New York, and he was appointed one of the Indian Commissioners;¹ and he was also sent as a special agent to urge the governments of New England to aid New York with money and men.² He must have been possessed of some considerable property at this time, for he advanced over a thousand pounds to Sloughter to pay the troops that came from England.³ He was so useful and effective that Fletcher, the successor of Sloughter, was directed to make him the first of his Council;⁴ but his activity in enforcing the prerogatives of the government and his own failings of temper made him, as was reported to the Lords of Trade, "very unacceptable to the people."⁵

Dudley's unpopularity in New York was, as in Massachusetts, increased by his conduct on the bench. In New York, his stumbling-block was the trial of *Leisler*. Like Massachusetts, New York had an uprising, the counterpart of the revolution in England; but unlike Massachusetts she could count on no unanimity of feeling among her colonists. Aside from the racial differences which separated the English from the Dutch, there was a division over the question of religion. Dongan, the predecessor of Andros, was a Roman Catholic, and some of the important posts in the colony were held by men of that religion; while Nicholson, the deputy-governor, had shown himself not unwilling to comply with the desires

mission from the admiralty, and of obtaining the appointment of one of his creatures, with whom Dudley shared the fees and fines to the hurt of the revenue of the crown. But "the People," he adds, "Were so highly Incensed ag^t him. . . . Upon the Crocodiles Tears Appeased the Rabble else they had soon Destroyed his judge ship" (*Randolph to Blathwayt*, August 16, 1692, *Goodrick, Edward Randolph*, 404-405).

¹ *New York Colonial Documents*, iii. 771.

² *Calendar of State Papers, America and West Indies*, 1689-1692, No. 1556.

³ *Ibid.* No. 1847.

⁴ *Ibid.* No. 2131.

⁵ *Ibid.* No. 2130.

of James II. Moreover, to many of the rich merchants in New York the question of religion was a subordinate one, and it was freely asserted that there was a Catholic party ready to follow the lead of Nicholson or Dongan, who were believed to be in alliance with the French. The opposition, though greatly outnumbering the Catholics, was by no means united. Save for the few years between 1683 and 1686, when the experiment of an elected assembly was tried, New York was governed by an appointed council. The system of Andros was therefore not new; and the resident members of his Council, Van Cortlandt, Phillipse, and Bayard, though rich and prominent in the colony, were distrusted and envied by the people, who desired a share in the government. Without doubt the English settlers on Long Island formed a majority of this party, but there were merchants in the city who keenly felt their exclusion from the social and official aristocracy of the colony; chief among these was Jacob Leisler.

The uprising in New York followed hard upon that in Massachusetts. The same rumors of Catholic and French alliance and invasion were utilized to rouse excitement; and the obvious weakness of the fortifications of the city and the danger of the colony brought all the Protestant factions to act in coöperation for the moment. But Nicholson was not the man to preserve this temporary harmony. Losing his temper over some slight act of insubordination, he soon found that the city militia was beyond his control and in open mutiny. Leisler put himself at the head of the mutineers and seized the fort. Nicholson, fearing for his safety, deserted his post and soon went to England; Van Cortlandt, Bayard, and the other councillors were imprisoned or forced to flee, and Leisler became practically dictator. His rule, though revolutionary in its origin, was generally accepted throughout the

province, and received, in his own eyes at least, some legal authority by the receipt of a letter from the king, addressed "to such as for the time being take Care for the preserving the peace and administering the Laws in our Said Province of New York."¹ Ignoring the presence of the members of Andros's Council, who were legally charged with the preservation of the peace, but who had been deprived of all power, Leisler assumed that his government was recognized by the king.

The English authorities, however, to whom both Leisler and Nicholson had appealed, had no intention of allowing the revolutionary government to become permanently established. On January 4, 1690, a commission and set of instructions were issued to Colonel Henry Sloughter, in which a Council was named containing none of the names of the revolutionists, but including Van Cortlandt and Bayard, the most bitter opponents of Leisler.² Had Sloughter himself come directly to New York and presented his commission, Leisler doubtless would have at once surrendered; but, unfortunately, before he arrived his deputy, Ingoldsby, reached New York, and Dudley came upon the scene. Ingoldsby demanded the surrender of the fort, but could show only Sloughter's deputation to him, as his authority. This Leisler was perhaps correct in refusing to recognize. In the strained relations which followed it was difficult to keep peace; protests and counter-protests were issued by Leisler and the newly-appointed Council under Dudley, and finally, on March 17, Leisler opened fire and killed two of the king's soldiers. Even when Sloughter arrived, Leisler attempted to make terms for himself, but finally submitted and was detained as a prisoner.

Responding to the demands of Leisler's personal enemies,

¹ *British State Papers, America and West Indies* (Ms.), 578, No. 36a.

² *New York Colonial Documents*, iii. 623 *et seq.*, 685 *et seq.*

Slougher constituted a special court and commissioned ten men "of approved integrity and loyalty and personally unconcerned in the late troubles."¹ Joseph Dudley, who had been acting as president of the Council and was Ingoldsby's adviser before the arrival of Slougher, was chief justice. Leisler and his associates were speedily indicted and brought before this court for trial. "Refusing to hold up his hand," Leisler read "a small paper offering that for-as-much he had been in power here he ought not to plead till such power was determined," thus claiming that the court had no jurisdiction since his acts were authorized by the letter of the king. The court decided that this amounted to no plea, but postponed proceedings to consult with the Council. On April 1 Leisler was again brought before the court, and Dudley advised him to plead; but he continued "his general talk refusing to plead . . . [until] he was ordered to be tyed up and putt in irons."² On April 15, he was once again brought before the court; but he still remained obstinate, and on April 17 he was sentenced to death for murder and high treason. On the advice of the judges, Slougher suspended the sentence until special orders should be received from England; but party feeling was so strong that the governor, influenced by his Council, at length gave way, and Leisler and his son-in-law were executed and their estates confiscated.

In the trial, Dudley had taken a leading part. He was probably intensely biased against Leisler, and displayed many of his unpleasant traits in his conduct of the case. Although as a judge he had advised Slougher to suspend sentence until the king's pleasure should be known, yet as a member of the Council he apparently joined with the others in urging the governor to carry out the sentence at once. His conduct was

¹ *Ibid.* 759.

² Board of Trade, *Papers, New York (Ms.)*, iv. 4.

unwise, but his decision was legal and was confirmed by the king.¹ Nevertheless, in the exercise of his duty, he had offended many of his countrymen and given his enemies another point to urge against him in his later career.

Sometime in 1692 Dudley left New York and returned to New England, where he lived quietly at Roxbury. Although Governor Fletcher was directed to make Dudley first of his Council, he suspended him for non-residence,² but still consulted him by letter. When Dudley returned to New England he found Massachusetts under the new charter, with Sir William Phips the newly-appointed royal governor, and Stoughton, Dudley's friend and former colleague, lieutenant-governor. The new government was in the midst of difficulties. The frenzy of the witchcraft persecution was at its height, and Stoughton was taking a leading part in the prosecution. War was forcing even heavier taxes than Andros or Dudley had levied, and the futile expedition against Quebec had so strained the credit of the colony, that it had been neces-

¹ The documents concerning the Leisler trial and the reversal of the attainder are given in brief form in *Calendar of State Papers, America and West Indies*, 1689-1692, 1692-1697; they are printed in full in *New York Colonial Documents*, vols. iii.-iv., and in New York Historical Society, *Collections*, Publication Fund Series, 1868. The trial is discussed by Chandler, *Criminal Trials*, i. 262; and more fully by Chalmers, in *Continuation of the Political Annals of the Present United Colonies* (in New York Historical Society, *Collections*, Publication Fund Series, 1868, p. 72), where he says: "Of the fairness of their trial, the nature of their crime, or the justness of their sentence no doubt can be reasonably entertained; since they were not indicted for the part they had acted in the revolution or in the subsequent violences, but merely for holding a fortress by arms against the legal governor, which in judgment of law was levying war against the King. But the prudence of the measure may be justly questioned, because ill-timed examples only weaken the power which they are meant to support. William declared in favour of the validity of the judgment; yet ordered their estates to be returned to their children, because the services of the fathers required some attention to the sons."

² *Calendar of State Papers, America and West Indies*, 1689-1692, No. 2514.

sary to resort to paper money. Moreover, the new governor's irascibility was offending some of the officials and stirring up opposition among the representatives. Dudley saw in these conditions a possibility for his future advantage. He took care to renew his influence over Stoughton, and regained the confidence of some of his friends. He utilized his wide family connection among the leaders of the colony, and by his letters to Fletcher fomented the trouble between him and the hot-tempered governor of Massachusetts.¹ To prosecute his plans more effectively he decided to go to England, and sometime before February he was in London.²

Dudley's life in the next nine years presented a strange contrast to the lives of his fellow-colonists, and did much to remove whatever provincialism remained in his character. This was his third visit to London, and he found many friends. Blathwayt was still clerk of the Privy Council and ready to help him. He also gained a new patron in the person of Lord Cutts, who had led a regiment of the line at the battle of the Boyne and there won the reputation of being "the bravest of the brave," and secured the friendship of the king. About

¹ *British State Papers, America and West Indies* (Ms.), 561, Nos. 18, iii. According to Randolph's report to Blathwayt, March 14, 1692-1693, the condition of the colonies was very critical and there was need for the presence of English officials. "Carolyn," he wrote, "has a Gon^r at Ashley River. yet is wholly vnsettled Coll: . . . Maryland quiet by force for yepresent. . . . The 2 Jersyes haue a Mock Gom^t vnder Mr. Hamilton. . . . Pensilvania is much like it. New york people much dissatisfied to haue all places filld vp with Irish. . . . New England is worse than Bedleham. Euery place full of Horror & Confusion. Connecticott ouer run with fraud & Hypocrisy. Road Island with folly & quakarisme. N: plymouth as poore as a Church mouse. Boston ouer spred with fantastickall delusions. Horrid Murthers Cruell slavery & oppression Rampant: the poeple are become more stupid then their Gon^r: more arbitrary then the members of their Councill & more inflexible then their pragmatte Teachers." — Goodrick, *Edward Randolph*, 433-434.

² Letter of Elisha Hutchinson, February 1, 1693, Massachusetts Historical Society, *Proceedings*, 1835-1855, pp. 296-297.

the time Dudley arrived in London, Cutts was appointed governor of the Isle of Wight, and he was induced to make Dudley his deputy. In addition to these political and military friends who were influential in Parliament and useful about the court, Dudley conformed to the Church of England and was ready to utilize his churchmanship with the bishops in the Privy Council who took an interest in colonial affairs.

His object was to replace Sir William Phips and thus to justify himself in the eyes of his countrymen. He was not at all backward in proclaiming his purpose, and told Sir Henry Ashurst, one of the agents for Massachusetts, "that W. S[toughton] Esq., and most of the people are for him to be G[overnor]."¹ Through his friends in Massachusetts he was kept informed of the increasing dissatisfaction with the governor.² Because of this discontent, Sir William Phips was

¹ Letter of Elisha Hutchinson, February 1, 1693, Massachusetts Historical Society, *Proceedings*, 1835-1855, pp. 296-297.

² Board of Trade, *Papers, New England* (Ms.), 7, No. 31. This is an abstract of a letter from Nathaniel Byfield to Joseph Dudley, given by Dudley to the Board of Trade. After referring to Phips's action in negating some of the councillors, the letter continues: "Now if the making of Such a Law (w^{ch} we hope you have care to have negated) and refusing to give persons their oaths . . . thereby forming an Assembly to his own mind are not things that will be borne testimony against Farewell all that is good and I will find Some other place to Live in. . . . In the meantime you may easily guess without any imputation of witchcraft if it be right, who dus [does] and will disserve you all he can Lett his pretences be what they will it is suggested by (you may easily know who) to our good honest Councillors and Countrymen; that you Lost yourself very much by Saying before the Lords in a public hearing that S^r W had not done any good thing since he was Governor and that you were taken up severely . . . and that you had nothing to say in answer. That you are Conformed and taken y^e Sacriment according to the Church of England or could not have y^t place under my Lord Cutts, &c." After expressing a desire to see Dudley the letter concludes, "But truly it is not adviseable that you Come till you are well equipt & then y^e Sooner y^e Better, I Looke upon y^e hazzards of this Country to be greater now then ever & without a Generall Gouer, if y^e warrs hold we shall be all Ruined. . . ."

recalled to England to defend himself. When he reached London, Dudley succeeded in having him arrested in an action for £20,000;¹ and before Phips could defend himself against both his political and his private enemies, he died, on February 18, 1695.

Dudley believed that he would be appointed the successor of Phips, and to this end used all the influence at his command. His patrons Blathwayt and Lord Cutts worked zealously for him, the latter winning over the Earl of Portland.² The Duke of Leeds and Lord Sidney were also pledged to his support, and common report had it that "Capt. Dudley stands fairest to succeed sir W. Phipps."³

The agents for Massachusetts, however, adopted a shrewd method to thwart Dudley's ambition. The son of Leisler was in England endeavoring to get the attainder against his father reversed in order that he might inherit his estate. Up to this time he seems to have had little success; but now Sir Henry Ashurst laid the matter before the king, and the other Massachusetts agent, Constantine Phipps, drew up the necessary bill for the reversal of the attainder.⁴ It passed the House of Lords with little alteration, but in the Commons it encountered difficulties. A special committee was appointed, hearings were held, and on April 24 Dudley testified as to his share in the trial. This was what his opponents desired; and it had an unfortunate effect upon Dudley, for it drew attention to his part in proceedings which were popularly condemned. Still, his interest was strong enough to postpone the

¹ Ashurst to Mather, May 5, 1695, Hutchinson, *History of Massachusetts*, ii. 82 note.

² *Ibid.*

³ Luttrell, *Brief Historical Relation of State Affairs*, iii. 447.

⁴ Phipps to Increase Mather, May 5, 1695, Hutchinson, *History of Massachusetts*, ii. 82-83 note.

third reading of the bill; but two days later, in a small House, the bill was passed by a vote of forty-nine to thirty-six, and the attainder was reversed.¹ "Since then," wrote Constantine Phipps to Increase Mather, "he is not so much talked of to be governor."² It was, indeed, the ending of any immediate hopes of his return to New England. Phipps and Ashurst, from their point of view, had done New England a great service and well might hope that "the door is nailed against him."³

Though Dudley did not succeed Phips, the Privy Council took under consideration one of the policies which Dudley and Andros had tried to put into practice and which had done much to render them unpopular.⁴ This was the question of the union of all the northern provinces under a single governor. The Lords' Committee reported that all the colonies save Massachusetts made objection to this plan, — New Hampshire because it would increase her taxes without giving additional safety, Connecticut because it was contrary to her charter, New York because of her rivalry with Boston, as well as because she was weak and exposed and believed that she should be aided rather than called upon to give assistance to the New England colonies. Massachusetts, the largest and most important of the colonies, alone favored the plan. The Privy Council voted that, inasmuch as the charters prevented anything more than a military union in time of war, the same person should be made governor of New Hampshire, Massachusetts, and New York, and captain-general of the militia of the other colonies. This was a slight abatement from the claims of the crown as seen in the commission given

¹ New York Historical Society, *Collections*, Publication Fund Series, 1868, p. 348.

² Phipps to Mather, as above.

³ Ashurst to Mather, as above.

⁴ *Register of the Privy Council* (Ms.), William III, iv. 586.

to Andros, which always remained the ideal to Dudley and was the basis on which the next governor of Massachusetts was commissioned. Dudley, however, was disappointed to find that he was passed over and that Lord Bellomont was commissioned governor, April 2, 1698.

Though Dudley failed to obtain the desired post, he held a position in England by no means to be despised. Shortly after his arrival he was made by Lord Cutts deputy-governor of the Isle of Wight, a position which he held for nine and a half years.¹ His duties were of a political nature connected with the management of the municipal affairs of the island. By an agreement between its important men and Lord Cutts, Sir Robert Worsley and his friends engaged "to assist any persons recommended by the Governor to be chosen Members for the corporation of Newport."² Nevertheless, Cutts was obliged to take strong measures with that borough, — to disfranchise several of the burgesses and to imprison a clergyman. To dominate the town more completely he had himself elected mayor and made Dudley his deputy. Cutts also obtained for Dudley a commission, probably through some irregular means; and thereafter Dudley was known as Colonel Dudley.³

This post, with its salary, small as it was, of six shillings a

¹ For extracts of letters from Cutts to Dudley, see Massachusetts Historical Society, *Proceedings*, 2d Series, ii. 177 *et seq.*

² Agreement between Lord Cutts, governor of the Isle of Wight, and Sir Robert Worsley, Bart., and other principal gentlemen of the island, "respecting the Rights Privileges &c of the several corporations" (Albin, *History of the Isle of Wight*, 278).

³ Cutts to Dudley, January 4, 1695: "For, as to the King's Comission, you know how you came by it; and you know what promise you made (upon your word and honour) when I gave it you." Also May 11, 1695: "I would not have the Dragoons doe any Guards; and I would not have you order any of them to attend you, for reasons."

day, Dudley was doubtless glad to obtain; but he had more far-reaching plans. He hoped to use the influence of Cutts in obtaining the position he most desired. Cutts recognized this ambition, and there was probably some reciprocal agreement that Dudley should further his patron's plans on the island, while Cutts should advance Dudley's cause with the king. On April 2, 1695, when Dudley's affairs were at a crisis, Cutts wrote to him concerning some service that he wished Dudley to perform: "It is the best peice of service you can doe the King, me, & your self. . . . P. S. I have made some steps in your affaire, & wish you were here for five or six days." Unfortunately, Dudley did come up to London and appeared before the committee of Parliament in the Leisler hearing, greatly to his own disadvantage.

After the failure of his plans, Dudley needed more assurances, and these Cutts was ever ready to give. In a letter written August 12, 1697, he says, "Serve but the King, & me, effectually in this present storm, and I'l be instrumentall to put you in such circumstances as you shall have reason to be more than easy in." But hope of Dudley's appointment seemed to vanish, and when Cutts's influence at court appeared to be on the decline, his letters took a sharper tone. On April 1, 1698, he wrote: "Sir, — I won't complain of your unkind behavior to me, that is not the matter now in dispute; tho' in a week (all things consider'd) some men would have shown some concern for One's health and affaires; but I don't insist upon it, your Personal Civilitys are most certainly your own, & dispose on 'em how you please; provided you trouble me no more if Fortune should chance to smile on me, than you doe now. She seems at least to do otherwise. But this (as I sayd before) is not the matter now in dispute. That which I have just reason to complain of is your reall neglect of

the King's service in your station. For if I neither see nor hear of a Lieut-Governour in a Week, I would fain know (when so many things are to be consider'd now the Spring comes on) what you are payd for. . . . wⁿ you come to the King's Levee (w^{ch} you should doe if ever yⁿ expect any thing) you can make y^r reports, & take my Orders as you goe up. I have very good Neibours now & want no Company."

Although the coveted post could not be gained, Cutts was still zealous for his friend, and had him returned a member of Parliament from Newton in 1701.¹ As a member of Parliament, Dudley used all his abilities to advance his own interests. He was, as was his habit, regular in his attendance upon the sittings, obsequious to his superiors, and of engaging manners to his equals. On political questions he consistently supported the court party even at the expense of disobliging a friend;² but in the discussions of colonial affairs he displayed his greatest ability. His local knowledge and wide experience were sought by those in power, and the opinions and views which he urged were so in harmony with those of the English administrators that his present position and future advancement seemed secure.³

Indeed, his position was more secure than that as governor of the uneasy and discontented province of Massachusetts.

¹ In Adlard's *The Sutton-Dudleys of England and the Dudleys of Massachusetts*, p. 81, is printed a letter from Robert Worsley which shows how loyally they carried out their agreement with Lord Cutts. Writing to Dudley, Worsley says: "To show you how ready I am to serve you, when it lye in my power, meeting with my cosen James at Winchester, this day, he assured me of his resolution not to stand, and I proposed you, he readily assented to it. . . . We are much sollicitated for another, but since one our old members lys down nothing shall make ue quit your interest, though we shall not compass it without you hasten."

² Hutchinson, *History of Massachusetts*, ii. 114.

³ Palfrey, *History of New England*, iv. 202.

He had a place in English society; he was a friend and correspondent of Sir Richard Steele.¹ He made the acquaintance of John Chamberlayne, gentleman-in-waiting to Prince George, member of the Society for the Propagation of Christian Knowledge, and an author of considerable popularity. At this time, Chamberlayne seems to have been acting as Dudley's social sponsor, as he later acted as his unofficial representative in London. Dudley entertained companies by his curious and "fanciful discourses," and wrote papers "about the circulation of the Several Juicies in Fruit Trees and the solution of that nice question how women in the State of Innocency could have been Freed of the Pains of childbirth,"² which Chamberlayne thought that the Royal Society would surely wish to print. And he seems to have enjoyed society less exalted; for in 1702 one of his friends wrote to him, "I need not tell you, S^r, that M^{rs} Harnage M^{rs} Milbank & the whole gang of halfpenny viol-players, do most kindly remember you, for your Ex^{cy} was always to them a *fidus Achates* & never fail'd to make a fourth man in their greatest need and distress."³

Perhaps to counteract some of these influences, he contributed a paper to the Society for the Propagation of the Gospel in Foreign Parts entitled "An Account of the State of Religion in the English Plantations in North America,"⁴ and joined the society himself.⁵ He also utilized the interest of

¹ Massachusetts Historical Society, *Proceedings*, 2d Series, iii. 201.

² Chamberlayne to Dr. Sloane, Mss. British Museum, *Sloane Collection*, 439, ff. 47.

³ Chamberlayne to Dudley, August 10, 1702, Massachusetts Historical Society, *Collections*, 6th Series, iii. 529.

⁴ Society for the Propagation of the Gospel, *Journal* (Ms.), i. 14; printed in Hawkins, *Historical Notices of the Missions of the Church of England in the North American Colonies*, 23.

⁵ Society for the Propagation of the Gospel, *Journal* (Ms.), i. 37.

the Reverend Godfrey Dellius, a Dutch clergyman formerly stationed at Albany, of whom Bellomont wrote, "If a great lyar, incendiary, and proud person make up the character of piety, then M^r Dellius may pass for a saint."¹

Yet Dudley regarded his life in England in the nature of an exile. He had, as he informed every New England man who visited him, "a passion for laying his bones there, which equalled that of the ancient Athenians";² but, though he keenly felt his absence from his wife and home, he was so ambitious that he could not bring himself to return a discredited and disappointed man. In 1697, two years after his unfortunate experience in the Leisler affair, but before Bellomont was actually appointed and while his friend Stoughton was acting as governor, he wrote to his wife, "I have used all proper means to return home in the service of my country this year, but it is otherwise disposed by the providence of God, and to that we must submit; and the more patiently we do it, the more acceptable it is."³ His eldest son, Paul, joined him in London; and his father, though straitened in means, gave him every possible advantage. Neither in England nor in Massachusetts, however, did his affairs prosper, and he wrote to his son, December 23, 1700: "I see no way for my owne return and think it absolutely necessary that you return this year. I shall loose what I have there and my respect and hopes and family, for want of a head; nor shall I be able to support myself and you here much longer, but shall fall into contempt, and that will be what I cannot bear and live. . . . If my arrears fayle me, I must sell my land

¹ Massachusetts Historical Society, *Collections*, 6th Series, iii. 520-521.

² Hutchinson, *History of Massachusetts*, ii. 114.

³ See four letters from Dudley to his wife, Massachusetts Historical Society, *Collections*, 6th Series, iii. 513-517.

under my feet to pay my debts, and that will please those in New England that do not love my name.”¹

In spite of discouragements, Dudley did not relax his efforts. Indeed, if the report of Sir Henry Ashurst can be believed, it required all his time to check Dudley's ambition. “As for my self,” he wrote, “the keeping you from [a] patent to ruine you & from D. being y^{or} gouverner, I haue spent many dayes.”² Though Ashurst remained his enemy, Dudley succeeded in winning to his support the other agent for Massachusetts, Constantine Phipps; and he found a still stronger ally in Cotton Mather. How he regained the interest of the Mathers is not altogether clear, but the explanation probably lies in a petty quarrel in the Massachusetts General Court. Increase Mather wished to be sent to England as agent for the colony, but was thwarted in this ambition by Elisha Cooke, the common enemy of both Dudley and the Mathers. The diary of Cotton Mather shows that he spent many days in anxious prayer for his father's ambition, but without result, until, he writes, “my mind suddenly felt a strange and strong operation upon it which caused me to break forth into expressions of this importance The Lord will do The Lord will do it. My Father shall be carried unto England and so shall there have a short but great opportunity to glorify my Lord Before Christ in a most wonderful way it shall be brought about.”³ An alliance between Dudley and the Mathers would certainly be a wonderful thing, but upon a clear understanding it would be beneficial to both parties. Though it cannot be proved that this thought was the “strong opera-

¹ See four letters from Dudley to his wife, Massachusetts Historical Society, *Collections*, 6th Series, iii. 520.

² Ashurst to Wait Winthrop, May 8, 1698, *ibid.* v. 40.

³ From a manuscript diary of Cotton Mather, in possession of the American Antiquarian Society.

tion" from Heaven, yet an agreement was made between them. Dudley pledged himself to the interest of the Mathers — a pledge that he found it impossible to fulfil — and was able to cite in England their sanction for his ambition.

After the death of Lord Bellomont all these trains of influence were set in motion. Cutts supported Dudley loyally and sang his praises to Marlborough; Godfrey Delliuss tried to influence the bishops; the Bishop of St. Asaph believed that Dudley was the man to advance the cause of the church and of missions; Blathwayt remained his friend and urged his appointment. His long experience, his success in England as governor of the Isle of Wight, his abilities as an administrator, and his skill as an Indian agent were among the points urged in his favor. Nor were colonial influences neglected. The colonists resident in London asked that he might be sent to Massachusetts, the English colonial merchants petitioned for his appointment, the dissenting ministers wrote to their brethren in New England praising him, and a letter from Cotton Mather was read with telling effect.¹ Only Sir Henry Ashurst remained hostile, and amid such a chorus of praise, his voice was not heeded.

Dudley was commissioned by William III, but before he could leave England the king died. His present good fortune, however, did not desert him; for Queen Anne renewed his commission, and showed him the unusual favor of remitting some of the ordinary fees.² The commission is dated April 1, 1702;³ on the 12th, Dudley took his oaths before the Privy Council,⁴ and on April 13 sailed for Boston.

¹ Hutchinson, *History of Massachusetts*, ii. 115.

² *Ibid.* 116.

³ *Patent Roll* No. 3421, 1 Anne, No. 26.

⁴ *Register of the Privy Council* (Ms.), Anne, i. 82.

CHAPTER V

JOSEPH DUDLEY, GOVERNOR OF MASSACHUSETTS

PARLIAMENTARY RELATIONS WITH THE GENERAL COURT

THE "Glorious Revolution" of 1689 produced a vital change in the constitution of the Massachusetts Bay colony. Until 1685 the colony was practically a self-governing community; from 1685 to 1689 it was completely dependent upon the will of the crown; from 1689 to 1691 the old magistrates resumed their powers, and, though the government had little show of legal foundation, it was tacitly recognized in England. Meantime the agents of the colony were utilizing every influence they possessed to gain the restoration of the old charter and the continuance of the *de facto* government upon a legally recognized foundation. The early years of the reign of William III, however, were not of such a character as to allow him to give calm consideration to the nice points of colonial administration or to weigh accurately the merits of the colony's claims. Much had to be left to his advisers; and of these, William Blathwayt, whose skill, industry, and knowledge impressed the king, was probably most influential in determining the fate of Massachusetts. Hence it happened that, although Mather and Cooke and the other agents for the colony employed good counsel and utilized every particle of proper, and possibly of questionable, influence that they could exert, their efforts came to nothing, and the old charter was not restored. On the contrary, Massachusetts received a form of government in which the powers of the colonists were

limited and through which the influence of the crown could be more effectively exerted.

Weighing the possibilities of the restoration of the old charter with the genuine advantages offered by the new one, Increase Mather loyally accepted the inevitable and thus became influential in the appointment of the new governor and Council; but in so doing he aroused the enmity of Cooke, whose experience in England led him to develop into the leader of the opposition to the new government when it was established in Massachusetts. It was, however, on the whole fortunate that Cooke had failed. Had the old charter been restored, the colony would have been at the mercy of the crown in every dispute with England. Countless questions concerning the laws passed by the General Court would have arisen, which from the point of view of the English legalists, would have been decided adversely to the colony. The charter of a commercial company, however much interpretation and practice had altered it, was a precarious foundation for so large a community as the Massachusetts Bay Colony.

The new charter, issued in 1691, established a royal province which included the Massachusetts Bay colony, Nova Scotia and Maine and the lands between them (which had in 1664 been granted to the Duke of York), Plymouth and the Narragansett country, — in short, all the colonies north of Connecticut and Rhode Island, except New Hampshire, which was left a separate royal province. The executive power was vested in a governor and deputy-governor, who, together with the secretary, were appointed by the crown. The upper house, or Council, was, after the terms of the original royal appointees had expired in 1693, to be elected by the House of Representatives with the assent of the governor. The House con-

sisted of representatives chosen from each town by those who possessed a freehold of forty shillings or a personal estate of forty pounds. The two houses, with the governor, formed the General Court. To this General Court was given full legislative and financial power, subject first to the veto of the governor, and then to that of the king, to whom all laws must be sent for approval. Appeals to England in cases over three hundred pounds were allowed. Judges, sheriffs, and other officers, executive, judicial, and military, were appointed by the governor with the consent of the Council; and the governor was made captain-general of the military force of the colony.

This form of government stood midway between the type which existed in the so-called charter colonies and that which developed in the royal provinces. Connecticut and Rhode Island, relying upon their charters, were practically free from royal control in time of peace, except from such power as the crown could exert in hearing and determining appeals. In Virginia and New York, practically the same form of government existed as obtained in Massachusetts, save that, inasmuch as their councils were composed of royal appointees, their governors were less likely to be thwarted and their councils more ready to take a stand against the lower houses. The feature of an elected council was an anomaly in colonial constitutions, and by weakening the influence of the governor in Massachusetts made his task so much the more difficult. Thus, although Massachusetts was reduced to a royal province, her political life suffered no deterioration. Indeed, the colonial politicians, accepting the charter as their constitution, found in the frame of government which it established methods of thwarting the will of England which were nearly as effective and far safer than those which were tried under

the old charter. A shrewd, vigorous, and able school of politicians was developed, which was the bane of the royal governors, but the hope of Massachusetts.

Possibly to gain the confidence of the colonists, William III accepted the advice of Increase Mather and appointed Sir William Phips, a native of Massachusetts, as the first governor. The horror of the witchcraft persecution, however, cast a shadow over his accession, his ill-fated expedition against Quebec hurt his prestige, and his constant wrangles with the General Court and royal officials made it possible for his enemies to secure his recall. Once in England, he was at Dudley's mercy, and there died, it is asserted, from the results of his persecution. Lord Bellomont was the second governor. Though personally popular with the colonists, he could make no headway against the colonial politicians, and was unable to secure the adoption of the policies of the Board of Trade. He died in office, worn out by disappointment and mortification, conscious of his failure in America, and embittered by his lack of support from England. It was Dudley's ambition to fill this dubious and uncomfortable post, and, as has been seen, his desire was gratified; but in gaining supporters to urge his appointment he also raised up new enemies in Massachusetts and added new difficulties to the task which had already proved too great for both Bellomont and Phips.

The commission granted to Dudley¹ was more like the one issued to Phips than that given to Bellomont. In the latter, as the result of the discussions in the Privy Council, New York had been added to the jurisdiction of Bellomont; but now that colony was put under a governor of its own. Dudley, however, received a commission for the government of New Hampshire, and was directed to take command of the military

¹ See Appendix A, below.

strength of Rhode Island and Connecticut in time of war or danger.

More significant than his commission are his instructions, which fill thirty folio pages in the "Colonial Entry Book,"¹ and show clearly the plans of the Board of Trade and the pledges that Dudley hoped to redeem. By these instructions he was to take care that the members of the Council were "Men of good life and well affected to our Government and good Estates and abilities and not necessitous persons or much in Debt." Phips and Bellomont had received no fixed salary, but had been dependent upon the good will of the General Court as expressed in an annual grant; Dudley, however, had intimated that he would be able to have the salary of the governor determined by a general law, and was therefore instructed to use his "utmost Endeavour with them, that an Act be past for settling and establishing fixed Salaries [upon himself] and others." The question of the fortification of the northern posts had been a vexed one between the governors and the Court; and here again Dudley had probably given the Board of Trade to understand that he could carry out their desires, which were expressed by a special clause in his instructions. The English merchants were also feeling with increasing keenness the competition of the Americans in what had, since 1695, been an illegal trade for the colonists; and Dudley had probably pledged himself to put an end to this trade, for this would have been in keeping with his character as a strict upholder of the rights of the crown. Moreover, as has been seen, the merchants in England had petitioned for his appointment, — an unlikely circumstance unless he had given them some assurances of his policy. To fortify him, therefore, the Board not only inserted six clauses

¹ Board of Trade, *Colonial Entry Book, New England* (Ms.), 39, D. 30 *et seq.*

in his instructions, but issued a special instruction of twenty clauses directed to the enforcement of the laws of trade.¹

With such instructions, sure to increase his difficulties, Dudley sailed for Boston, April 13, 1702. The passage was a pleasant one; Dudley's companions, two missionaries of the Church of England sent out by the Society for the Propagation of the Gospel in Foreign Parts, so enjoyed themselves that one of them declared that had the passage been five months instead of five weeks it would have seemed short.² Though at times he was so desperately seasick that his life was despaired of, Dudley was evidently very happy, and perhaps a little patronizing to his shipmates, whom he nevertheless charmed by his gracious manner. Keith, one of them, thus writes of him: "He was so very civil & kind to M^r Gordon & me that he caused us both to eat at his Table all the Voyage, and his Conversation was both pleasant and Instructive, in so much that the Great Cabin of the Ship was like a Colledge for good Discourse both in matters Theological and Philosophical and very cordially he joined daily with us in divine worship, and I well understand he purposeth to give all possible Encouragem^t to the Congregation of the Church of England in this place."³

While the weeks were thus passing pleasantly for Dudley, a very different feeling pervaded Massachusetts. His career under Andros was still remembered by many; his conduct in the trial of Leisler was generally disapproved; and his persistent scheming for office during the past ten years had not increased his popularity. Moreover, it may well be believed that the remnants of the old "faction" and the party led by Cooke

¹ *Ibid.* D. 118.

² Patrick Gordon to the secretary of the Society, in the Society's *Letters* (MS.), i. No. 12.

³ Keith to the secretary, *ibid.* No. 9.

might well fear the coming of a man of his abilities and power. It was discussed whether it would be advisable to prevent his landing by force;¹ but fortunately for Massachusetts, no such step was taken. On the other hand, the opponents of Cooke and his party, among whom the Mathers must be reckoned for the moment, rejoiced at the opportunity of defeating their rivals. With them must be counted the few who had supported Dudley during the administration of Andros, and all those who hoped for place or influence under the changed conditions. Their satisfaction was as little concealed as the hostility of Dudley's enemies; and, if Wait Winthrop correctly reported their feelings, several of Dudley's enemies were "beforehand marked out for displeasure, at least, if not to be *Leislerized*, as they call it."² Happily, however, both friends and enemies suspended their mutual animosities, and not only was his landing unopposed, but the Council made extensive plans for his reception.³

On the day of his landing, Dudley met the General Court and began a struggle which was to continue throughout his administration. Although the constitutional reforms of the "Glorious Revolution" did not reach the American colonies, attempts were made by the colonial assemblies to copy the sovereignty of the House of Commons. Though legally dependent upon royal commissions, charters, and acts of Parliament, and hence strictly subordinate and non-sovereign bodies, the colonial assemblies were constantly claiming for themselves the same rights in legal and financial matters that were exercised by Parliament. All the efforts of the Board of Trade,

¹ George Larkin to the Board of Trade, in its *Papers, New England* (Ms.), 11, K. 4.

² Winthrop to Ashurst, March, 1702, Massachusetts Historical Society, *Collections*, 6th Series, v. 110.

³ *Massachusetts Archives* (Ms.), xlvi. 345.

the English sovereigns, and even Parliament itself, to restrict their freedom of action and to control their legislation, were met by protests, evasions, or, when all else failed, by grudging concession. Moreover, the lower houses of the assemblies persisted in regarding themselves as possessed of all the prerogatives which the English House of Commons had in its relations with the House of Lords. The councils of the colonial assemblies seemed, from their appointive character, to bear some resemblance to the hereditary chamber in Parliament; and certainly in most royal colonies the councils usually acted in harmony with the royal governors. To check this seeming encroachment, the representatives adopted the same procedure that had won for the House of Commons its independence and sovereignty.

The success of the contentions of the colonists is best seen in New York, a royal province, which existed without a charter, entirely dependent upon the will of the crown. Beginning in 1689 on the slender basis of a clause in Sloughter's commission which allowed an assembly, the representatives steadily advanced their pretensions. Frankly asserting that they were imitating the English House of Commons,¹ they gained privileges and rights, until by 1715 they controlled the raising and appropriating of money;² had the appointment of the provincial treasurer in their hands,³ were through their control of the purse influential in the direction of military affairs,⁴ had obtained a voice in the establishment of the courts,⁵ and had made good their pretension that, like the

¹ *New York Colonial Documents*, iv. 1121.

² *Journal of the New York Assembly*, i. 186.

³ *Ibid.* 179-191, 212-214; *New York Colonial Documents*, iv. 1172.

⁴ *Journal of the Legislative Council of New York*, i. 78-80; and *Journal of Assembly*, i. 150.

⁵ *Journal of Assembly*, i. 150, 157, 224, etc.

Commons, their money bills could not be amended.¹ Two circumstances aided the New York colonists. The period was one of almost continuous warfare, and New York was constantly threatened from the north; hence the military exigencies of the time frequently forced the governors to yield to the popular clamor in order to gain the much-needed supplies. The character of the governors appointed during this period was the second favoring circumstance. All of them were Englishmen, none of them were men of marked ability, and most of them were in such desperate financial straits that they willingly bartered a constitutional point for the grant of salary which the Assembly doled out in return.

Many of the constitutional points which vexed the governors of New York were settled by the Massachusetts charter, most of them in favor of the Assembly; and in addition, the power of the governor over his Council was greatly restricted in Massachusetts. That colony, like New York, was threatened by the French, and doubly so, since overland invasions from Canada menaced the inland towns, while the commerce of the colony and its seacoast settlements were endangered by the French possession of Port Royal. There was the same necessity for military operations as in New York, and even greater supplies were demanded, raised, and expended. Yet during this period it is to be doubted whether the politicians, though incessantly active, gained a single constitutional point. Rather, with two exceptions, they were led to comply with demands of the crown.

The great reason for this appears to be in the character of the colonial governors. As has been seen, Phips and Bellomont were not successful, nor were their characters such as to

¹ *Journal of Assembly*, i. 99-202, 199, 207, 307.

promise any great success. Joseph Dudley, on the other hand, was possessed of great force and ability. He had shown his energy and capacity in every post that he had occupied, and now in the maturity of his powers he was returning to a field with which he was familiar. Phips, it is true, was a native of the colony; but there was a vast difference between a rough sea captain for whom a lucky adventure had won a title, and the son of the second governor of Massachusetts, who had family connections, education, and long experience both in England and America at his command. Bellomont, perhaps, had as high ideals of the duties and functions of a colonial governor; but without support from England, and entirely dependent upon the annual grants of the Assembly, he had been unable to withstand the pressure. As has been shown, during his nine years' residence in England Dudley had gained new and influential friends, men who stood high in the councils of Queen Anne, while Blathwayt, his former friend and patron, remained his constant supporter. In addition, Dudley was a wealthy man. Just how great an estate he possessed at this time cannot be ascertained; but, as has been seen, his income was sufficient, — with difficulty, it is true, — to support him and his son Paul in England, and had allowed him to become a member of Parliament. Life in Boston was vastly less expensive than in London, and Dudley found it easy not merely to exist upon his private income, but to pass as one of the wealthy men of the colony. Thus in ability, experience, and fortune Dudley differed from the previous governors of Massachusetts and from his needy contemporaries in the neighboring provinces, and hence entered upon the political struggles with better prospects of success.

Relying upon such support, Dudley at once adopted a vigorous tone with the General Court, and invited rather than

avoided opposition. Following the example set by Bellomont, he summoned the representatives to the council chamber, where he addressed them. In this first address there was no apology or regret for his previous career, and no attempt to conciliate the men who twelve years before had sent him a prisoner to England. On the other hand, there was no exultation at his triumphant return, or any hint that his former opponents would suffer, or his present supporters be rewarded. Almost like a stranger, and entirely like a royal official, he discussed the position of Massachusetts and set forth what was expected of her. Massachusetts, he said, was not so profitable to England as the southern colonies were; therefore let the trade which this colony could supply, particularly in the matter of naval stores, be fostered. Above all, he cautioned, have "care that our Trade be kept within the Strictest Bounds of all Acts of Parliament and that all false Trade and piracys be with utmost diligence prevented and Supprest." After touching upon the possibilities of war and the need of fortifications on the northern frontier, a much-debated point, he boldly attacked the question of the settlement of the governor's salary, which previous governors, acting upon royal instructions, had been unable to obtain. "Since this Province," he said, "is so particularly favored by the Crown in more instances than one, their ready obedience is justly expected in this, and all other Occasions."¹

Thus at the very first meeting of the General Court, Dudley adopted a tone and urged policies which were bound to bring him into conflict with that assembly and to render his administration difficult. From a reading of his instructions, however, it is hard to see how he could have done otherwise; and perhaps he took this course willingly, believing that under his

¹ *Records of the General Court* (Ms.), vii. 289, June 11, 1702.

management the recalcitrant Court of Massachusetts might become more obedient and loyal.

In his management of the assembly, Dudley displayed not merely the characteristics that he had shown in his previous career, but a keen appreciation of his position as the executive of the crown. He was always to be found on the side of prerogative, whether it was his own or whether it was connected with the rights of the Council, the officers, or the judges. He unfailingly attempted to carry out his instructions and commands from England, and never, except on the salary question, would submit to a compromise. He preferred, when it came to a question between obedience to the commands of the queen and compliance with the desires of the assembly, to insist upon the former, even at the expense of unpopularity and defeat. To this characteristic was due much of his unpopularity among the colonial politicians, but also to this he owed the support that was given him in England, which enabled him to maintain his position so long in the face of determined opposition.

Although this position and the policies that he urged brought him into frequent collisions with the General Court, Dudley was enough of a New Englander to understand the people and to recognize the burdens which his policies entailed. Whenever the assembly adopted them Dudley was honest enough to report the same to the Board of Trade and to give the people just credit. In 1704, for example, he wrote to the Board, "I must doe the Assembly here that justice to say that though they have not obeyed Her Majesty in providing for my support here, they have very frankly submitted to my appoytment at all times for the numbers of men and their support."¹ Such a frank recognition, which he took care to have

¹ Board of Trade, *Papers, New England* (MS.), 12, P. 6.

placed on the records of the Court,¹ was doubtless appreciated by the House, and made it somewhat less bitter than the words of its addresses and protests, framed by the politicians, would lead the reader to suppose.

His relations with the Council were on the whole friendly; but this harmony was due more to the weakness of the Council and its jealousy of the lower house than to any popularity of his own. He was, however, in his relation to the Council, in a more difficult position than any other provincial governor in America. In all the other colonies save Connecticut and Rhode Island the councils were appointed by the proprietors or the crown, on the nomination of the governors. The charter of Massachusetts, on the contrary, provided that the Council should consist of twenty-eight men elected by the House with the approval of the governor; but, as the veto of the governor had been used in only one instance,² the representatives had come to regard it as their privilege to elect whomsoever they chose to the Council.

Dudley at once recognized the difficulties of his position and the anomaly of having the councillors depend for their seats upon the will of the House. In one of his first reports to the Board of Trade, he wrote in discouraging language concerning the coöperation of the Council in military affairs. "I am morally Assured," he declared, "before I Enter upon it with them, that I shall not obtain one Voice of a Councillour, for fear of their precarious places depending upon the peoples voices and so Her Majesties affairs here will unavoidably suffer till the Councill here shall value their Duty more than

¹ *Records of the General Court* (Ms.), viii. 105.

² Phips had removed Cooke. This is the only actual removal, but in Sewall's Diary, May 29, 1701, is this entry: "L^t Gov^r A^proves all but Mr. Corwin, and to him he demurrs, taking some time of Consideration" (Massachusetts Historical Society, *Collections*, 5th Series, vi. 34).

their Situation or Depend absolutely upon her Majesties Appointment.”¹ Three months’ experience in Massachusetts but convinced him that this method of choice was undesirable, not simply because of the Council’s subserviency to the House, but also because of the character of the councillors chosen, and he thus reported: “As in this province the Council being of the Peoples Election many of the Most loyall Persons, and of the best Estates are not Employed, and those that are so many of them are Commonwealthmen, and all so absolutely Depend for their Station upon the People that they dare not offend them, and so Her Majesty has no manner of service from them nor Cou’ntenance to Her Majesty’s affairs.”²

It is not strange, therefore, that, when Dudley found himself thwarted by the Council, he should have made use of his prerogative. This he did in 1703 by refusing to confirm five men as being either of poor estate or disaffected to the government.³ In the case of Cooke, who had opposed the charter consistently, and was leading the opposition in the House, Dudley was undoubtedly right. Perhaps, however, he pushed his resentment too far when he refused Peter Sergeant, who had married the widow of his old enemy Sir William Phips; yet it must be remembered that Sergeant was opposing the governor on the question of fortifying the northern posts and was urging the Council to join in the opposition.⁴ In any case, Dudley was within his legal rights, and the House was forced to comply, though unwillingly. This prerogative Dudley continued to exercise throughout his administration; during his term of service Cooke never sat in the Council;

¹ Board of Trade, *Papers, New England* (Ms.), 11. L. 12.

² *Ibid.* 12, M. 10.

³ *Records of the General Court* (Ms.), vii. 385, May 27, 1703.

⁴ Board of Trade, *Papers, New England* (Ms.), 13, Q. 78.

but through the activity of Sir Henry Ashurst, the Board of Trade hinted that Dudley had better admit Sergeant, which he did in 1707. Thus his control over the Council was partly due to his repeated use of the veto over the choice of councillors, so that he forced the House to elect a Council which should, as his instructions required, be "well affected" to the government. Not that all the councillors were his supporters; but Dudley saw to it that none of the open enemies of the government or any persons implacably hostile to himself had seats.

This liberal exercise of the right to refuse to confirm councillors precipitated an open breach with the House. Though forced to acquiesce in the governor's action, the House hated him for the exercise of his legal power. As a matter of fact, the election of the Council by the House was to weaken one of the means of influence that in other colonies was at the command of the royal governor. This was seen by Colonel Quarry, the successor of Randolph, who reported that it was impossible "for any Governour to serve the Interests of the Crown under the present Constitution of that Government, for as long as they have the choice of the Council . . . they have nothing to hope for or fear from the Queen's Government."¹ Dudley himself reported in 1703, "It is every day now more Apparent that nothing will proceed well here till Her Ma^{ty} will please to name her owne Council, the best men in the province can have no Share in the Civil Governm^t till then."² By the "best" men Dudley meant his partisans, who, had they been in the Council, would doubtless have made his path smoother. Yet throughout his administration the councillors supported him on most questions, not merely

¹ Massachusetts Historical Society, *Collections*, 3d Series, vii. 229.

² Board of Trade, *Papers, New England* (Ms.), 12, N. 22.

because they needed his confirmation, but usually because of his skill and tact in dealing with them. When these failed, an outburst of temper or some high-handed action would sometime win him the victory.

In dealing with the House, Dudley used much the same method. He invariably insisted upon his prerogative, not only in the use of the veto, but also in military affairs and in purely executive acts. In these attempts he was aided by the Council, which usually sided with him in his disputes with the House, and always when the dispute was over a question of prerogative. At the first session of the General Court in 1702, the House not only refused to comply with the recommendations of the Council concerning the fortification of Pemaquid, but even refused to hold a conference over the matter.¹ This action the Council declared to be a "great Infringement on the rights and Priviledges of the Council . . . [and insisted] upon the said Conference and Desire the Governour to direct it accordingly."² On the next day the House weakened and ordered the Conference. Again, in the summer of 1703 the House amended a tax bill by adding the restriction that drafts on the treasury for incidental expenses should not exceed eighty pounds. This displeased the governor and Council, who voted that the bill be sent back and the "Tackage" be removed. Though the House attempted to carry the point, it was forced to retract after another speech and a message from the governor.³

The Council regarded itself as the upper house in point of dignity, and attempted to force the deputies to attend upon it. In 1703 it demanded a copy of an address which the House was preparing for the queen. The House refused, saying

¹ *Records of the General Court* (Ms.), vii. 329.

² *Ibid.* November 3.

³ *Ibid.* 416, July 17, 21, 22, 1703.

that its journal was on its table and that the councillors could come and examine it for themselves. After a deadlock of a few days the matter was finally compromised by the Council's sending a committee to receive a copy from the clerk of the House.¹ In 1705, however, the Council failed to support Dudley. He was urging that the House take some action concerning the queen's commands relating to the question of salaries and forts. The House tried to evade the issue by alleging a small attendance;² whereupon Dudley called the deputies to the council chamber and was "very tort & tight in his speech" with them.³ The House returned, and presently sent up a long paper denying that the forts were necessary and asserting that it was one of its privileges to fix the salaries as it chose; and to the governor's mortification, the Council concurred with the House in this matter.⁴ In one instance in which the Council had not supported him adequately, Dudley reported untruthfully that the Council was unanimous,⁵ and thus drew upon himself a vigorous protest from a dissenting member.⁶

In spite of these means, Dudley was not always successful in gaining his ends. Perhaps the most noteworthy failure, aside from the questions of fortifications and salary, was the quarrel over the choice of the speaker of the House. The governor had continued to strike out Oakes whenever he was elected to the Council; hence in 1705 the House chose him for its speaker. The governor vetoed the choice, but the

¹ *Records of the General Court* (Ms), viii. 11-12.

² *Ibid.* 149, September 6, 1705.

³ Sewall to Winthrop, September 7, 1705, Massachusetts Historical Society, *Collections*, 6th Series, v. 135.

⁴ *Records of the General Court* (Ms.), viii. 150-153, September 11, 12, 1705.

⁵ *Ibid.* 153.

⁶ Sewall's Diary, November 20, 25, 1707, Massachusetts Historical Society, *Collections*, 5th Series, vi. 202.

House refused to elect any one else or to make any compromise, though urged by Sewall, who was sent on a committee for that purpose.¹ There was a long debate in the Council, and the question was finally decided against the governor, who yielded for reasons thus stated by himself: "I am very well satisfied of Her Maj^{ty}'s right & prerogative to Allow or disallow the Speaker of the Assembly of this province as well as the Council being all elected by the Assembly. Therefore I have proceeded as I have done & as far as I can at present in this matter but I have the just Sence of the pressing Affairs of the War that demand a very Sudden dispatch of this Session, That will not consist of long debates of anything, & therefore I shall not delay the Affairs necessary for the Security of the Province which I desire may be first attended. Saving to Her Most Sacred Ma^{ty} her just Rights as above at all times."² The Board of Trade, to which Dudley reported this circumstance, approved his action. "You did well," it wrote, "to Assert her Majesty's Prerogative in that particular . . . and therefore you may upon the like occasions acquaint the Council that it will not be thought fitt that her Majesty's right of having a negative upon the Choice of Speaker and Counsellours be given up."³

There were, however, two points in his instructions on which Dudley was unable to force the Court to take action. The first was the question of the fortifications at Piscataqua and Pemaquid. The defence of the northern frontier had been begun by Sir Edmund Andros shortly before the outbreak of the war between France and England. On his last

¹ *Records of the General Court* (Ms.), viii. 114-115, May 30, 1705; Sewall's Diary, May 30, 1705.

² *Massachusetts Archives* (Ms.), cviii. No. 30.

³ Board of Trade, *Colonial Entry Book, New England* (Ms.), 41, F. 115.

journey north, he had established eleven forts or posts and garrisoned them with six hundred men; but in the following year some of these were captured and, the troops being withdrawn, the fortifications had fallen into decay. In 1693 Sir William Phips renewed the policy of Andros and erected a fort at Pemaquid from plans furnished him by the English government; but his action was regarded by the colonists in the light of a grievance and his policy was unpopular. Bellomont had not been any more successful; and just before Dudley was commissioned the Board of Trade had presented a strong recommendation on the subject to the Privy Council.¹ The Privy Council had inserted a clause in Dudley's instructions upon the matter, and had passed a special order directing Massachusetts and New Hampshire to fortify five posts on their coasts.²

Dudley, moreover, had probably given the Board of Trade to understand that he could force the Court to make some appropriation; and certainly he made a gallant attempt, for during the first three years of his administration, this question was the leading one. At first it looked as if the governor might gain his point, for the Council reported in favor of a fort at Pemaquid, and the House, by its refusal to hold a conference, angered the Council; but the matter ended in a deadlock, and the Court was finally dissolved.³ Another attempt was made in the spring session, but to no effect;⁴ and again in the fall the House not only refused to carry out the commands, but made the Pemaquid question one of the principal

¹ *Massachusetts Archives* (Ms.), lxx. 484. For the correspondence before Dudley's arrival, see *Massachusetts Acts and Resolves*, vii. 678-682.

² *Register of the Privy Council* (Ms.), Anne, i. 216.

³ November 17-29, 1702, *Records of the General Court* (Ms.), vii. 347-357. See also *Massachusetts Acts and Resolves*, vii. 739-741.

⁴ *Records of the General Court* (Ms.), vii. 366.

features in the address that it was preparing for the queen.¹ At the summer session of 1705 the governor again urged the question, and presented a letter from the queen directing the House to make some appropriation for this purpose; but nothing was done.² Dudley had to confess himself beaten; in fact, he had reported a year before that he was "sorry nothing that could be said would move them from a stubborn resolved temper, which has possessed the Assembly, that they will agree to nothing wherein they may show their obedience to her Majesty."³ So, after a struggle of three years, the matter was dropped.⁴

Dudley's other failure to carry out his instructions was in another inherited dispute. Bellomont and Phips had both been instructed to have the assembly fix a definite salary for the governor instead of forcing him to depend upon its appropriations.⁵ This the Court refused to do; but Dudley, relying upon his influence, desired a special instruction upon that subject, and, as has been seen, received one.⁶ In his first speech to the Court he pointed out that Massachusetts was the only province where some stated salary was not settled on the governor, and urged that the queen's commands be obeyed and a settlement made at once. On June 27 the House made him a present of five hundred pounds, but nothing was said about a settlement.⁷ In the fall session the governor

¹ *Ibid.* viii. 10-11.

² *Council Records* (Ms.), iv. 146.

³ Dudley to Nottingham, April 21, 1704, quoted in Palfrey's *History of New England*, iv. 291 note.

⁴ A summary of the legislative proceedings on this question is in *Massachusetts Acts and Resolves*, viii. 515-519.

⁵ For a further account of the salary dispute, containing extracts from the archives, see *Massachusetts Acts and Resolves*, viii. 292-294, 339-341.

⁶ Reprinted *ibid.* 293.

⁷ *Ibid.* i. 498; and vii. 343, ch. 20.

renewed his application; but the House replied, "It is not Convinient (the Circumstances of the Province Considered) to State Salaries, but to allow as the Great and General Court shall from time to time see Necessary."¹ The Council tried to help Dudley, but the House stood firm not only through Dudley's administration but throughout the rest of the colonial period. Yet Dudley did not give up the fight, but renewed his application at the next session with no better result. At the September session of 1703 he was armed with a special letter from the queen directing the Court to settle "a constant & fixt Allowance to the Govern^r."² The House refused, and sent to the queen a long letter claiming that its right to grant money as it chose was derived from the reign of Henry III. "We . . . humbly conceive," added the deputies, "that the Stating of Salaries [is] not agreeable to her Majesty's Interests in this Province, but prejudicial to her Majesty's good Subjects."³

Dudley did not neglect to present his plight to the Board of Trade, which, though sympathizing with him, did not see "what more can be done at the present,"⁴ and later pointed out that, as his instructions did not prevent his receiving presents, he might so regard the semiannual grants of the General Court.⁵ In 1704, however, Dudley renewed his application, and utilized a clause in the last letter from the Board of Trade which contained this distinct threat: "For

¹ *Records of the General Court* (Ms.), viii. 327, November 2, 1702.

² *Ibid.* viii. 430, September 1, 1703. In April of the same year the Privy Council voted to send such a letter, "in which it may be intimated that neglect will oblige the Queen to take such remedies as shall be proper" (*Register of the Privy Council* (Ms.), Anne, ii. 156).

³ *Records of the General Court* (Ms.), viii. 10-11.

⁴ Board of Trade, *Colonial Entry Book, New England* (Ms.), 40, E. 208.

⁵ *Ibid.* E. 330.

it is very unreasonable that the Assembly of Massachusetts Bay should expect that they should be furnished with Stores of War, at Her Majesty's expense, while they of all the colonies in America alone do refuse to settle a salary upon Her Majesty's Governour and other Offices there."¹ Even this threat had no effect; and, though the attempt was renewed in 1705, the House, this time supported by the Council, refused to make any settlement.²

The compensation which Dudley received as governor was five hundred pounds each year, granted in two appropriation bills. Up to 1708 it was customary to grant three hundred pounds at the spring, and two hundred pounds at the fall session; but in that year, a change was made and the appropriation was evenly divided. In like manner, the salaries of the judges and of all the officers depended not on any permanent settlement, but on the votes of the General Court.

Though Dudley failed to gain the assent of the Court in these two instances, yet in general, he was able to carry out his policies. His ability to do this depended upon various causes. Throughout nearly the whole of his administration he was aided by the fact that England and France were at war, and that as a corollary the English and French colonies were fighting against each other. As will be shown later, Dudley had great influence among the Indians, and possessed means of gaining information which enabled him sometimes to forestall an impending attack. His plans for the defence of New England were sound, and, with the expeditions that

¹ *Ibid.*

² *Records of the General Court* (Ms.), viii. 153, September 12, 1705. The whole question is best followed in *A Collection of the Proceedings of the Great and General Court . . . for fixing a Salary on the Governour* (Boston, 1729).

he sent out against the French colonies, received the enthusiastic support of the colonists. Indeed, he may be said to have raised their expectations too high; for the failure of his expeditions, through no fault of his own, reacted against him almost to the extent of causing his removal. But his policy as a war governor was popular, and even his enemies were forced to depend upon him for their defence. Thus, as the Court found that he was necessary to its safety, its opposition to him declined, and during the last years of his administration he usually found little difficulty in securing the adoption of his measures. As a result of the continual warfare, Dudley had it in his power to reward his supporters with offices and contracts. There is no evidence that the contracts for the army were improperly used; indeed, not the governor, but the General Court appointed the commissary general. A remark of Dudley's, however, quoted by Sewall,¹ gives the impression that some of the charges in the "Deplorable State of New England" were not altogether without foundation, and that the governor had used military commissions to strengthen his support.

Aside from these dubious methods, Dudley was able, by his personal tact and charm, to win over more than one of his most bitter opponents, and sometimes, by keeping an open house and setting a lavish table, to gain the support of the country members. There is little necessity for believing all the charges against him that were framed by the colonial politicians in the heat of conflict. Among a certain class, his personal popularity aided him; his family connections assured him the support of some of the influential men in the colony; and it is evident that he was the leader of a

¹ Diary, June 13, 1712, Massachusetts Historical Society, *Collections*, 5th Series, vi. 351.

party on whose support he could rely. He was, moreover, a politician, skilled in parliamentary tactics, experienced both in Massachusetts and in England; and thus from a combination of influences he was able to force a reluctant and even hostile Assembly to carry out his policies.

CHAPTER VI

JOSEPH DUDLEY CAPTAIN-GENERAL OF MASSACHUSETTS

MILITARY AND INDIAN AFFAIRS

It may well be believed that William III consented to the appointment of Dudley because of the threatening state of affairs in Europe. The death of Charles II of Spain and the prospect of the union of that country with France rendered ineffective the advantage which William had gained in the previous war. The question of the Spanish succession, settled by placing the grandson of Louis XIV on the throne, made war between England and France inevitable, and it hardly needed the recognition of the son of James II as king of England to bring on an immediate conflict. Taught by the experience of previous wars, both countries saw that the American colonies would be involved in the struggle, and both countries made plans for their defence. Lord Cutts urged the Duke of Marlborough, commander-in-chief of the British forces, to request the appointment of Dudley for military reasons. William Blathwayt, who was highly regarded by the king, as a member of the Board of Trade and clerk of the Privy Council, seconded the nomination of Dudley as being a man likely to gain the assent of the colonists to the military plans of England. The experience of confiding the military operations in the colonies to Englishmen had shown England that the colonists were unwilling to follow such lead: Andros and Bellomont had not fulfilled her hopes, while, on

the other hand, Phips, a native, had gained Port Royal. Hence it seemed possible that in the present crisis, a colonial-born, rather than an English governor, would have more chance of success. Although Dudley bore a military title, he had had practically no experience in military service, and it can hardly be believed that such was expected of him by the authorities in England. He had, however, had long experience in dealing with Indian affairs, and had proved an extremely energetic administrator both in Massachusetts and in New York. He was a shrewd politician, skilled in the management of men and assemblies, and his supporters in England relied upon his abilities to gain the coöperation of Massachusetts for the plans of the crown. It was these qualities, rather than his military experience, that were particularly urged by them.

Indeed, the position of Massachusetts fully justified the appointment of an able Indian negotiator and shrewd parliamentarian. Until England could detach a force large enough to conquer both Canada and the seaboard colony of Acadia, Massachusetts, though occasionally striking at the French, was obliged to secure her frontiers by controlling the Indians either through alliances or through threats of force. Of all the English colonial governors the governor of Massachusetts occupied the most difficult position. French expansion had not yet become dangerous in the Ohio valley, and Pennsylvania and Virginia were out of the danger zone; Rhode Island and Connecticut were safely sheltered behind Massachusetts and New Hampshire, and were thus able to turn their energies to their own domestic concerns. The burden of the war fell upon New York and Massachusetts. The governor of New York, it is true, was obliged to protect his northern frontier, which was accessible by the easy water route of the Richelieu

River and Lake Champlain; but the governor of Massachusetts, who was at the same time responsible for the safety of the scattered settlements in New Hampshire and Maine, was threatened alike by war parties from Canada on the north, and by privateers from Port Royal on the east, which by the treaty of Ryswick had been restored to France. It was manifestly impossible for a single military leader to cover such a wide frontier; hence, until the time should come for striking directly at the seat of the French power, the activities of the governor of Massachusetts were rightly confined to negotiating with the Indians, encouraging local resistance, and occasionally fitting out expeditions to make a demonstration. Above all, he must so lead the General Court that it would be willing to second any plan that England might adopt, and be ready to join in a combined attack upon either Port Royal or Quebec.

The difficulties of the governor of Massachusetts were further increased by the attitude of New York. In order to protect its own frontier against the invasions of the Iroquois and at the same time to gain and enjoy their trade, New York made a treaty of peace and friendship with the Five Nations. Considered solely as a measure of defence in order to utilize the Indians as a buffer against the raids from Canada, this step might have been justified; but, although New York enjoyed the trade and friendship of the Five Nations, she could not control their policy, and was unable to prevent them from making a similar treaty with the French. This neutrality of the Iroquois was so prized by both the French and the English that it brought about a virtual peace between Canada and New York, which lasted for five years of Dudley's administration. Again and again Dudley and the General Court of Massachusetts wrote to New York to

urge the Indians to hostilities against the French; but the people of New York, recognizing the value of the protection that came to them from the neutrality of the Iroquois, refused to comply.¹ Hence, while Massachusetts found her northern frontier ravaged and the Indians her enemies, New York was safe and escaped many of the horrors of the war.

To the French, the value of this neutrality was also clear. Secure from Indian attacks on the side of New York, they could throw all their forces against the eastern frontier of Maine, New Hampshire, and Massachusetts. The advantages of the position were recognized both at Paris and at Quebec, and frequent letters and instructions were sent to the commanders directing them never to stir the Indians of New York to war, never to allow the Indians on the eastern frontier to be neutral, and to concentrate all their energies against the people of Boston. In this design they received more than purely passive aid from New York; for the Iroquois allowed war parties to pass unmolested through their territory on their way east, and kept the northern and eastern tribes supplied with arms and ammunition. Thus secure on the

¹ In 1704, Dudley, acting in coöperation with Governor Winthrop of Connecticut, attempted to urge the New York Indians to war against the French. Assuming the consent of Lord Cornbury, Governor of New York, they despatched a joint commission. Cornbury, however, far from aiding the commissioners, took great offence, ostensibly against Livingstone, one of the commissioners; but it is likely that he was influenced by other than personal reasons. Any outside interference would weaken his control over the Five Nations, any hostile act would endanger the much-valued neutrality of the Indians, and open war would break up the lucrative trade. He therefore refused to allow the Indians to take a hand in the struggle; and without the assent of the governor of New York the New England commissioners could do nothing. See *Massachusetts Acts and Resolves*, viii. 100. The correspondence is given in the Winthrop papers, Massachusetts Historical Society, *Collections*, 6th Series, iii. 261 *et seq.*; it is also printed, with notes from the Council records, in *Massachusetts Acts and Resolves*, viii. 449-455.

New York frontier, the French poured expedition after expedition into New England.

An opportunity to pursue a similar policy came to Dudley and Massachusetts in 1705. The unfortunate captives of the Indian raids were offered for ransom, until, as Dudley reported, "the Indians had a better trade of taking Prisoners than hunting for Beavers."¹ At considerable risk to his reputation he refused to ransom any more, but offered a series of articles providing for a mutual exchange of English and French prisoners.² In return, Vaudreuil offered, with the consent of the king, a treaty of neutrality between Canada, Acadia, and New England which would put an end to the hostilities of both the French and the Indians.³ These articles, however, went beyond a mere neutrality convention, for by them the governors agreed that no vessel of one colony should fish in the waters of the other. This provision was manifestly more favorable to the French than to the English, and Dudley would have been justified in refusing to agree to the proposed terms on this ground alone; but Vaudreuil went even farther, and offered these articles only on condition that Lord Cornbury, as well as Dudley, should ratify them before the last of February. The articles were laid before the General Court, and a draft of the governor's letter to Cornbury was approved; but four days later a resolution was passed condemning the proposed treaty.⁴

Dudley, however, dragged out the negotiations, not with any intention of agreeing to such terms or because he felt the

¹ Board of Trade, *Papers, New England* (Ms.), 13, Q. 37.

² *Ibid.* Q. 38.

³ *Ibid.* Q. 39; also *New York Colonial Documents*, ix. 770. *Massachusetts Acts and Resolves*, viii. 541, collates the translation of the treaty given in the *New York Documents* with the French in the *Collection de Manuscrits*.

⁴ *Massachusetts Acts and Resolves*, viii. 149.

need of a treaty, — for he boasted to the Board of Trade that with a little help from England he could “remove him [Vaudreuil] & all the french from Canada & Port Royal,”¹ — but rather for the sake of the tranquillity which the delay temporarily gave to the frontiers. Moreover, he utilized this pretence to gain information concerning the position of the French. Thus in 1705, young William Dudley, son of the governor, and Colonel Samuel Vetch, who were sent to negotiate with Vaudreuil, prolonged the negotiations and gave great offence to some French officers by studying the river, and even, it is asserted, measuring the fortifications.² In like manner at a later date, Pontchartrain expressed his approval of the policy which Vaudreuil had adopted of giving the people of Boston “to understand that, if war continued between both Colonies, it was solely the fault of the Council of Boston; so as to be able in this way to create division between the people and the Council.”³ This rather sharp game of diplomacy brought little advantage to either side; for, although Vetch gained some little knowledge of the St. Lawrence, the great expedition of 1711 was wrecked in spite of his presence. Nor did the French succeed in creating discord; for Dudley was always able to find and equip troops for his numerous expeditions, and his plans for the war were accepted both in England and in Massachusetts.

The news of the declaration of war reached Massachusetts a few days after Dudley landed, and he at once summoned the Court and outlined the scheme which, as captain-general, charged with the defence of both New Hampshire and Massachusetts, he pursued consistently throughout his administra-

¹ Board of Trade, *Papers, New England* (Ms.), 13, Q. 37.

² Charlevoix, *History of New France*, v. 176.

³ June 6, 1708, *New York Colonial Documents*, ix. 813.

tion. Some portions of this policy were dictated by the English ministry; others were plans that had been tried in the previous war and were sure to win favor with the people; other ideas were Dudley's own, which he was especially chosen to carry out. It is much to his credit that he was able to weld all these plans into one harmonious scheme, which in general he imposed upon New England.

The defensive features of his plan were partly supplied by England, and were partly the result of his own experience. The English government was bent upon defending New England by frontier posts, — by forts at Piscataqua and Pemaquid, and the castle at Boston. Although Dudley made a special journey to view the ruins at Pemaquid, and although he repeatedly urged the Court to take some action, he was, as has been shown, obliged to report to the Board his failure in this direction.¹ One reason for his failure lay in the general disinclination of the Massachusetts Court to engage in expensive operations so far from its own borders, and probably, too, in a genuine feeling that the fort at Pemaquid would not serve as "any bridle to the enemy or barrier to our frontiers, being out of the usual route of the Indians";² but Dudley's path was not made any easier by the want of tact displayed by the engineer Römer, who was sent over by the English government to repair the fortifications. Römer's plans called for a large expenditure of money, larger than the Court felt able to contribute, and his overbearing manner was so irritating to the colonists that they took every opportunity to thwart him. Feeling the slights put upon him, Römer frequently appealed to Dudley, and sometimes directly to England, for support.³

¹ Board of Trade, *Papers, New England* (Ms.), 11, M. 13 and N. 13.

² Hutchinson, *History of Massachusetts*, ii. 138.

³ Bodleian Library, *Rawlinson Mss.*, A. 272, f. 215, 217, 218, 230; *Massachusetts Acts and Resolves*, viii. 346.

The governor furthered his plans as far as he could, and had the castle at Boston strengthened; but he was unable to force the Court to adopt the measure most insisted on by the English government and fortify Pemaquid.

In other features of his policy, Dudley was more successful. He gained information of the impending Indian raids, and was frequently able to warn the threatened locality, and sometimes even to forestall the blow. He organized a snowshoe brigade, and kept a fourth part of the militia of the colony ready to march upon twenty-four hours' notice.¹ He also sent out frequent scouting parties to protect the frontiers. Finally, he was a constant and successful beggar. Before he sailed from England, he obtained an order from the Privy Council allowing him to import powder;² and he seldom failed to include in his reports a request for additional supplies and stores, which were generally sent according to his desire.

In addition to the purely military plans for defence, Dudley evolved a policy from which much might have been expected had he been adequately supported by the General Court. Early in July, 1702, on his journey to Pemaquid, he held a conference with the chiefs of the Maine Indians at which an agreement was made that kept the Indians of that region at peace during the first year of the war.³ His hope of holding them to the English rested upon a plan to win their trade,⁴ and to neutralize the efforts of the Jesuit priests by sending

¹ Board of Trade, *Papers, New England* (Ms.), 12, M. 37.

² *Register of the Privy Council* (Ms.), Anne, i. 54.

³ Board of Trade, *Papers, New England* (Ms.), 11, L. 23. "I have from the Assembly their Compliments and addresses of thanks, for . . . the peace hitherto with the Indians which was more than they expected and depended wholly upon my personall knowledge of them and travail to pemaquid to meet them, and that is all I have of them to my support." — *Ibid.* L. 23.

⁴ *Ibid.* L. 5.

English missionaries to them.¹ Again in the following year, Dudley and some of his Council made a journey to strengthen the peace which had been made. At Casco he met the chiefs from almost all the tribes in Maine, and negotiated what he hoped would be a permanent peace with them; but when the visitors learned that the salute fired by the Indians was a volley of deadly musket-balls, and that a party of French and Indians were on the way to seize them, they had reason to doubt the efficacy of the treaty.²

Although Dudley's plan was not permanently successful, yet his idea was a correct one, as the experience of New York showed; but in executing his schemes he offended the General Court to such an extent that successful accomplishment was impossible. He denied the Court any share in the appointing of commissioners to deal with the Indians, and carried on negotiations on his own responsibility. In so doing, he was technically within his rights; but this proper exercise of his prerogative was viewed with such jealousy by the people that they refused to adopt his plans for gaining and retaining the trade of the Indians, and thus lost the opportunity of winning their good will and interest, which might have been sufficient to keep them at peace.

The well-directed policy of the French was more successful in dealing with the Indians than were the divided councils of Massachusetts. French emissaries were busy in Maine, and

¹ Board of Trade, *Papers, New England* (Ms.), 12, M. 10. "And yet . . . we shall lose them [the Indians] if we have not Ministers amongst them to defeat the French Missionaries to whom they are infinitely Biggotted. . . ." (extract of a letter from Governor Dudley sent to the Board of Trade by the Society for the Propagation of the Gospel, preserved in its manuscript *Letters*, ii. 43).

² Penhallow (*History of the Wars of New England with the Eastern Indians*, 1859, pp. 16-18) gives an account of this conference, at which he was a participant.

two months after the treaty at Casco Bay, parties of Indians led by French officers fell upon the outlying settlements. Wells, Winter Harbor, Saco, and other hamlets were attacked, and the majority of the inhabitants either killed or taken captive. In the following winter the western frontier of Massachusetts was invaded. This attack was not altogether unexpected, for Dudley had received warnings from Cornbury that an expedition was aimed at Deerfield and had sent reinforcements to that town. Nevertheless, a band of French and Indians captured the town, massacred about fifty of the inhabitants, and set out for Canada with over a hundred captives. But Deerfield was not the only town to suffer. Every frontier settlement must expect a similar fate, and prompt measures for defence and reprisal were taken. Troops were stationed in the most exposed localities, patrols went from town to town constantly on the alert for war parties, small bodies of troops were sent to ravage the territory occupied by the Indians, and a large bounty was offered for Indian scalps.¹ The war, if it may be called a war, was little more than a series of raids and counter raids conducted on each side with unnecessary cruelty.²

Dudley's offensive steps were vigorous and promptly taken. Under his lead, measures were passed by the Council to encourage privateers and to forestall any attacks of the French.³ He was in close touch with the Indians on the north and knew that the French were tampering with their fidelity;⁴ and,

¹ According to Penhallow (*History of the Wars of New England*, etc., 48) this was an extremely expensive method of making war, as each Indian taken cost the colony £1000 at least.

² For this warfare the Reverend Solomon Stoddard of Northampton urged the employment of dogs, of which the Indians had the greatest terror. See Massachusetts Historical Society, *Collections*, 4th Series, ii. 235.

³ *Council Records* (Ms.), iii. 338, 350.

⁴ *Records of the General Court* (Ms.), vii. 333.

realizing that the struggle was to be a long and protracted one, in which all the other colonies would be involved, he forced the unwilling Court to allow him to aid the neighboring colonies of New Hampshire, Connecticut, Rhode Island, and New York if occasion should arise during its recess.¹ In so doing, he gave evidence of a broader spirit, which looked beyond the interests of Massachusetts to the welfare of the other English colonies; but he also offended the jealous Assembly, which saw in his act but one of his schemes to aggrandize himself at the expense of the people and an example of his ambition which was ready to sacrifice their interests for his own advancement.

The first offensive operation on a large scale was undertaken in 1704. In the previous year, the House, realizing that the chief source of danger lay in the French possession of Port Royal, voted that a volunteer expedition be sent against that fortress. This action agreed in part with the plans of the governor; for, although he could not countenance an expedition directly against Port Royal, the matter being still before the queen for consideration, he hoped to utilize this expedition against some of the more immediate enemies of the colony, the French and Indians of Maine. He therefore fell in with the suggestion of the Court and promoted the expedition with all his power.² He asked aid from the other colonies, but succeeded in gaining only a hundred Indians from Connecticut.³ Even these were grudgingly furnished⁴ and were to be paid and equipped by Massachusetts and to be used only to garri-son the northern posts of Massachusetts and New Hampshire.

¹ *Records of the General Court* (Ms.), vii. 348.

² Speech of Dudley, September 1, 1703, *ibid.* 429.

³ Dudley to Fitz-John Winthrop and replies, December 24, 1703, to February 27, 1704, Massachusetts Historical Society, *Collections*, 6th Series, iii. 163 *et seq.*

⁴ Winthrop to Ashurst, June 5, 1704, *ibid.* 212.

The leader chosen was Major Benjamin Church, who had been a noted Indian fighter in King Philip's War.¹ Although Church was over sixty years of age and of such unwieldy bulk that it required the assistance of a private soldier to help him over the obstructions of the trails, he was a popular man, and by his popularity drew a mixed mob of volunteers into the service. Church begged hard to be allowed to attack Port Royal; but this Dudley forbade, directing him to proceed against the Indians in Maine.

A mixed force of about seven hundred men sailed to Castine, where they killed or captured the inhabitants of the fort, did some little damage, were guilty of murdering some settlers who had already surrendered, and then sailed for Grand Pré on the Bay of Fundy. Here they met with some slight resistance, but were able to burn the houses, destroy the crops, and do considerable damage. It was to the credit of Church that he restrained the Indians under his command, and contented himself with taking off only so many of the inhabitants as were needed for the purpose of exchange for the captives of the Indian raids. Thus far the expedition was following a liberal construction of the governor's plan; but, at a distance from Dudley, Church now decided to try a bold stroke on his own account and attempt to carry out his cherished design of making an attack upon Port Royal. Aside from the question of obedience of orders, the expedition was bound to prove futile; for Port Royal, warned by the fate of the other settlements, was strongly reinforced and fairly well fortified, and Church had only about four hundred men available for landing. As such a small force would necessarily prove ineffective, the officers and captains of the fleet decided that a landing

¹ Church's own account is found in Thomas Church's *History of Philip's War*, 1829, 243-286.

was out of the question; and after bombastically summoning Port Royal to surrender, Church was forced to sail for Boston.

The governor reaped a just reward for his want of frankness. He had utilized the popularity of Church and the enthusiasm excited by the prospect of an expedition against Port Royal for other ends. A better leader than Church might have excited more terror among the Indians in Maine; but, as it was, little harm had been done there and none to Port Royal, while the resources of the colony had been frittered away. At best the expedition had been a futile one, but some of the critics went even farther, and insinuated that Port Royal had been spared to serve as a depot for the illegal trade to which, as some believed, the governor was a party. Cotton Mather, growing cold toward Dudley and repenting his share in helping him win his appointment, thus summed up the hostile criticism: "When Church went with his forces to Port-royal he could easily have taken the fort, or done anything in the world, but the reason which he has often given for his not doing it is, because you absolutely forbad him, you peremptorily forbad him. The cause you assigned was, because the matter had been laid before the queen, and the queen had sent over no orders for it, and though the queen had sent no orders we send with a pretence to take it — But the story grows now too black a story for me to meddle with it — The expedition baffled — The fort never so much as demanded — An eternal gravestone laid on our buried captives — A nest of hornets provoked to fly out against us — A shame cast upon us that will never be forgotten — I dare not, I cannot meddle with these mysteries." ¹

After the attack upon Deerfield Dudley began to negotiate

¹ January 20, 1707, Hutchinson, *History of Massachusetts*, ii. 135 note.

for the liberation of the captives. He wrote several letters to Vaudreuil protesting against the harsh treatment of the English prisoners, threatening reprisals, and, after the Church expedition, suggesting the possibility of an exchange of prisoners.¹ To these Vaudreuil replied, denying the charges of cruelty, accusing the English of murdering in cold blood prisoners who had surrendered, and asserting that the French had learned from the English the practice of paying the Indians for the scalps of their enemies. His letter also contained a slur upon Dudley's authority which long rankled in the governor's mind: "If you were the sole ruler in New England as I am here, I would not have hesitated to accept your word and it would also have been a pleasure to me to return all your prisoners . . . but as you have a council, which is often divided in opinion, and where you have nothing more than your vote, you ought not to take it ill that I must have assurances for the return of the prisoners coming to me, the more so because on my side, being the sole master, I am always in a position to keep my word."² Nevertheless, Vaudreuil sent the Sieur de Courtemanche with instructions to negotiate for a mutual exchange of prisoners without regard to numbers, particularly for the return of one Baptiste, "without which there will be no exchange." This Baptiste was a border ruffian who plundered either side as it seemed most profitable, and who had been captured by the English in 1702 while he was operating with the French.³ The colonists claimed that as a renegade British subject and pirate, Baptiste should not be released with the other prisoners of war; but the General Court agreed

¹ These letters are translated from the *Collection de Manuscrits*, ii. 410 *et seq.*, and printed in *Massachusetts Acts and Resolves*, viii. 497 *et seq.* ² *Ibid.*

³ For the details of the capture, see the petition of John Harraden in *Massachusetts Archives* (Ms.), lxii. 438, printed in *Massachusetts Acts and Resolves*, viii. 278.

with Dudley and advised him to release Baptiste if the exchange could be effected in no other way.¹

Dudley, however, sought to gain from Courtemanche his consent to the exchange of some of the prisoners, not including Baptiste, and in this way to keep the negotiation open. To this proposal Courtemanche consented, either in violation of his instructions or because he had orders which he did not make public. Doubtless both Dudley and Courtemanche were inclined to continue the negotiations since a cartel of exchange of prisoners was executed by the governors of the Leeward Islands and Martinique.² At all events, even in spite of a petition from some of the Boston merchants,³ the Court authorized Dudley to prolong the negotiations even if he should be obliged to surrender Baptiste. The governor sent his son William and Samuel Vetch to Quebec with a proposal for the exchange of prisoners (which has unfortunately been lost) and a letter from Dudley to Vaudreuil. In the letter Dudley took the opportunity to answer the slights that Vaudreuil had put upon him. "You go too far in your letters," said he, "when you speak of the command that I have here as if it were not equal to your own. I have in this place all the just and reasonable power than an English governor could wish, and find a correspondingly just and reasonable obedience; although by the grace of God the number of my people exceeds that of yours tenfold. — the thing which ordinarily constitutes the difficulty of government."⁴

¹ *Massachusetts Acts and Resolves*, viii. 120-121, chs. 13, 15; *Council Records* (Ms.), viii. 128.

² Printed in *Massachusetts Acts and Resolves*, viii. 482.

³ *Massachusetts Archives* (Ms.), lxxi. 152, printed in *Massachusetts Acts and Resolves*, viii. 511.

⁴ *Massachusetts Acts and Resolves*, viii. 513, translated from *Collection de Manuscrits*, ii. 435.

On November 21 Vetch and William Dudley returned, bringing not merely a project for the exchange of prisoners, but the draft of a treaty of neutrality. This was probably quite different from Dudley's proposals; it was not what he anticipated, and, as has been seen, was not accepted. Thereafter the exchange of prisoners was carried on by negotiation for individual cases, and no general treaty was made until the end of the war. Dudley kept these negotiations in his own hands. The messengers were his intimate friends, and, though admirably suited for the occasion, did not possess the confidence of the colonists; hence it soon began to be whispered that the envoys were not confining their activities to negotiations for the exchange of prisoners, but were trading with the enemy and supplying them with munitions of war.¹

Such accusations were by no means a novelty in America. At the outbreak of the previous war, Andros was accused of furnishing the natives with arms and ammunition; and the merchants of Albany, more enterprising than scrupulous, did not hesitate to send to the north arms which, though designed to be used against Canada, found their way to the Indians of New England. In the first years of Dudley's administration there is no doubt that such trade was going on, and even that some eager traders of New England were duplicating the methods of the people of Albany. In fact, in 1702 and 1703, the Council handed over the suspected merchants to the Superior Court for trial.² The crisis, however, came in 1706 with the accusation of Vetch; and the matter is interesting not only for the constitutional points involved but for its effect upon the governor.

¹ The French authorities also were suspicious of the activities of Vetch, as is seen by the letters from the French Government to the governors at Quebec and Port Royal. See *Collection de Manuscrits*, ii. 450-451, translated in *Massachusetts Acts and Resolves*, viii. 544.

² *Council Records* (Ms.), iii. 327.

The suspicions of the House were aroused by the frequent and prolonged voyages of Vetch; and it is possible that the governor's method of conducting all negotiations without reference to the House may have made them more willing to believe the idle gossip of the town. At any rate, their suspicions increased to such a feeling of certainty that in June, 1706, the deputies of their own initiative passed a resolution that Vetch should be taken into custody. The Council agreed, and the judges of the Superior Court were directed to take "caution" of Vetch for his appearance.¹ This hardly satisfied the deputies, for "most of them were so furious as to have him confined in y^e stone cage, for fear he should get away."² In addition to Vetch, three other sea-captains and merchants were soon arrested. The House, unwilling to trust the cases to the Superior Court, continued to take the initiative. It ordered a vessel sent out to arrest other suspected traders,³ requested the governor to issue a proclamation against those of whose guilt it was certain,⁴ and at the same time and in apparent harmony with the Council, proceeded to take action against those already apprehended.⁵

The independent action of the House continued; and the "parcell of resolute rusticks" on the bench "led the Dance,"⁶ in which, however, the Council joined. A joint committee was appointed,⁷ and the traders were subjected to a sharp examination.⁸ The results proved that there was a just basis

¹ *Records of the General Court* (Ms.), viii. 202.

² John Winthrop to Fitz-John Winthrop, June, 1706, Massachusetts Historical Society, *Collections*, 6th Series, iii. 335.

³ *Records of the General Court* (Ms.), viii. 204. ⁴ *Ibid.* 207. ⁵ *Ibid.* 205.

⁶ John Winthrop to Fitz-John Winthrop, June, 1706, as above; Sewall's Letter-Book, Massachusetts Historical Society, *Collections*, 6th series, i. 333.

⁷ June 24, 1706, *Records of the General Court* (Ms.), viii. 205.

⁸ The examination of Bourland, Lawson, and Coffin is in *Massachusetts Archives* (Ms.), lxxii. 19, 20, 21, 22.

for the suspicions of the House; for it was found that Vetch and three others had been using flags of truce to cover their operations and were guilty of trading directly with the enemy. As a result of this examination the House "committed them one after another as suspected to be guilty of Treason," and proposed to try them at the next General Court.¹ To this proposition the Council agreed;² but Sewall was somewhat surprised to hear the governor say that the charter would allow this method, for at other times he "used very zealously Declame against the Gen. Courts intermeddling with any Judicial matter."³ Orders were accordingly passed by the House to draw up bills of attainder and to proceed at the next session of the Court, which was then prorogued till August 7.⁴ "When the Seventh of August came, many of the Deputies were sick of what they had done, and prayd a Conference upon that head."⁵ This conference was held on August 10. The House expressed grave doubts as to the legality of the proceeding; but the governor insisted that the deputies were within their rights, and on August 13, by a close vote of nine to eight, the Council agreed and ordered the trial to proceed.⁶ The method of procedure was to summon each prisoner to the bar of the House, to furnish him with a copy of the accusation, and to allow him to be heard by counsel.⁷ The House at once voted all the prisoners guilty of the charges preferred against them, and ordered a joint committee of the House and

¹ Sewall's Letter-Book, as above; *Records of the General Court* (Ms.), viii. 221.

² *Records of the General Court*, viii. 221.

³ Sewall's Letter-Book, as above, 333, 339.

⁴ *Records of the General Court* (Ms.), viii. 224.

⁵ Sewall's Letter-Book, as above, 334.

⁶ Sewall's Diary, August 10, 1706, Massachusetts Historical Society, *Collections*, 5th Series, vi. 164.

⁷ *Records of the General Court* (Ms.), viii. 235.

the Council to prepare a bill of punishment for each one of them.¹ These bills were enacted on September 8, 1706;² and the Court, after vainly trying to vote extra compensation to the governor and itself for the trouble taken in the trial, was then adjourned.³

There is no doubt that Sewall and the minority of the Council were correct in their contention that it was not within the power of the General Court to try these cases. It was a stretch of legal terms to call that misdemeanor which the law called treason, and it was entirely contrary to the charter to try cases of treason before a legislative assembly. That this was an unwarranted extension of the powers of the Massachusetts Court is seen by the action of the Privy Council. When the cases came before it the acts were ordered to be repealed, the fines were restored and the prisoners released on bail, and a new trial was ordered to be held before the regularly authorized court within six months.⁴ Thus by a burst of bitter feeling, the General Court had rendered nugatory its whole case. When the time for the new trial came, Vetch was commander of the expedition against Canada and too important a man to be touched by the criminal court. With the failure of his case the others were allowed to drop.

The fact that Vetch was a friend of Dudley and that the governor was accused of complicity in the affair, led his enemies to conclude that he had procured the trial before the General Court knowing that the sentence would be annulled. Sewall, who at the time of the trial did not believe that the governor was concerned, says that the Council consented to a trial for

¹ *Records of the General Court* (Ms.), viii. 235.

² *Ibid.* 240; *Massachusetts Acts and Resolves*, vi. 62-66, chs. 20-23.

³ *Records of the General Court* (Ms.), viii. 240.

⁴ *Register of the Privy Council* (Ms.), Anne, iii. 306; Report of the attorney-general, Board of Trade, *Papers, New England* (Ms.), 13, R. 19.

misdeemeanor before the Court, out of pity for the prisoners.¹ Cotton Mather, however, writing a few months later, was not so charitable. He accused the governor of favoring a trial of this nature (which he had hitherto opposed) solely because he hoped that some personal advantage might accrue to himself. Mather asserted that the whole affair was managed by the governor.² If this be true, Dudley was certainly taking a great risk, for in the House were his most bitter enemies, ever ready to take advantage of every slip. Moreover, he would have had to count on the discretion and loyalty of the prisoners. Even on the supposition that he had promised them his protection and assured them that the acts of punishment would be disallowed, they were forced to remain in prison longer than their terms of sentence required, and by the decision given in England, were merely released on bail to be tried again. This would have been a severe test for the loyalty of an innocent man, to say nothing of criminals, who by the exposure of an accomplice might have lightened their own punishment.³

The failure of the Church expedition and of the trial of Vetch and his accomplices increased Dudley's difficulties. Indian raids continued, though Dudley reported that he was "in a much more Secure posture than in any former Warr and the people very easy and Satisfied."⁴ Still he was not content, but made far-reaching plans which he urged the English government to adopt. On October 8, 1706, he asked for English aid to subdue Canada and Nova Scotia, "without

¹ Sewall's Letter-Book, Massachusetts Historical Society, *Collections*, 6th Series, i. 334.

² Mather to Dudley, January 20, 1707-1708, *ibid.* 1st Series, iii. 126 *et seq.*; Hutchinson, *History of Massachusetts*, ii. 148.

³ For Dudley's report to the Board of Trade, see below, pp. 132-133.

⁴ Board of Trade, *Colonial Entry Book, New England* (Ms.), 41, F. 228.

which it were better if her Maj^{ty} see meet that I did accept the Truce they have offered mee . . . not [that] they can do me any great mischief, but [put] mee to an Infinite expense to guard The Frontiers . . . and they know that tho I [have] men enough I cannot ruin Quebec without four or five of her Majestys ships & Some Mortars.”¹ This plan of striking directly at the seat of the danger was a favorite one of Dudley’s which offered the true solution of the problem, and when fairly adopted by England and executed by skilful commanders brought about the final conquest of Canada.

Without waiting for the aid which he had asked from England, Dudley decided, perhaps because he felt that he must do something to increase his prestige, to make an attempt on his own account, and to utilize the war spirit of the colonists. Early in 1706-1707 he was in secret communication with Fitz-John Winthrop of Connecticut, asking him to influence that colony to join with Massachusetts in making a combined expedition.² Winthrop’s reply was characteristic of the attitude of Connecticut, and showed how bitterly the colonists resented the restoration of Port Royal after the Peace of Ryswick. “The temper of our people,” he wrote “(tho very stout) is generally very thoughtfull and cautious; and ’tis possible some may insinuate that tho’ wee should succede in the designe, yet if vpon the conclusion of a peace (w^{ch} one would think not far off) it should be restored to them, the hon^r of our succes will soone be forgotten, and wee should much resent that we haue lavisht our blood and treasure.”³ Again, on April 4, Winthrop officially communicated the decision of the Connecticut Assembly, that under the circumstances, they could not assist in the design.⁴

¹ Board of Trade, *Papers, New England* (Ms.), 13, Q. 60.

² Dudley to Winthrop, February 10, 1706-1707, Massachusetts Historical Society, *Collections*, 6th Series, iii. 367.

³ *Ibid.* 370-371.

⁴ *Ibid.* 376.

The refusal of Connecticut did not discourage Dudley or the General Court of Massachusetts, for great care and expense were taken to fit out a suitable expedition. This time, profiting by his previous experience, Dudley submitted to the Court the instructions given to the commanders.¹ This expedition, the largest that Dudley had as yet sent out, consisted of over a thousand soldiers, chiefly from Massachusetts, and was commanded by Colonel John March. With the colonial force went the royal frigate *Deptford* and the province galley to act as convoys; and Colonel Redknap, an English engineer, was sent out to supervise the plans of attack. At best it was but a band of ill-disciplined and untrained militia led by officers who, although they might be good leaders on Indian raids, had no experience in handling such a large force or in attacking fortified places. That Dudley himself had misgivings may be gathered from his address to the Assembly a few weeks after the expedition sailed. "I am sensible," he said, "her Majesties Subjects of these Provinces have not seen such regular Service as the Wars of Europe or the present expedition may demand but I am well assured of their Courage."²

His fears were fully justified, and even his reliance on the courage of the leaders was misplaced. The troops reached Port Royal early in June, and a portion of them were landed in what proved to be an exceedingly unfortunate position.³ "Ye Dev^l I doubt not was y^e adviser of it," writes one of the

¹ *The Records of the General Court*, March 5-23, are full of the discussions and plans of the expedition. The instructions are in *Massachusetts Archives* (Ms.), lxxi. 308-336.

² *Records of the General Court* (Ms.), viii. 296.

³ The most recent full discussion of this expedition is found in *Massachusetts Acts and Resolves*, viii. 668-696, 715-718, 722-751, where are reprinted at length selections from the records of the Court and from the *Massachusetts Archives*.

party. The landing party fell into an ambush, and the artillery was not disembarked when it should have been, for "the De^l was still doing his work." Colonel Redknap and the colonial commanders disagreed in the placing of the batteries, and Redknap "showed Spiteful Temper." Frequent councils were held, and at last a plan of action was agreed upon; "but at night a Maggot bitt Some people & a Council was held and all revoked W^h they had done." In the skirmishes the men fought well; but they were poorly led, for the general was "both Boy & Fool Ridden." The expedition retired to Casco Bay and a delegation was sent to Boston to explain the failure, a delegation whose "Designes . . . [were] Precarious, Ambiguous, Mental Selfish & I really doubt Devilish."

This account, taken from "a letter from a Gentleman in the Army to his friend in Boston,"¹ quite agrees with the reports sent by William Dudley to his father.² Raw militia and inexperienced commanders were poor material with which to besiege such a post as Port Royal. Colonel March was at best incapable, but his vacillation and practical cowardice prevented any coöperation with the other commanders. When the delegation reached Boston it was greeted with hoots and jeers, and Redknap, to free himself from blame, declared privately to Winthrop that he had done as much as his orders allowed.³ Dudley acted with promptness: he heard the report, called a general council of the officers, and sent a commission of popular leaders to retrieve the error. Under the lead of this commission another attempt was made on Port

¹ *Massachusetts Archives* (Ms.), lxxi. 355.

² *Ibid.* li. 164, lxxi. 351-355.

³ John Winthrop to Fitz-John Winthrop, July, 1707, *Massachusetts Historical Society, Collections*, 6th Series, iii. 387.

Royal, but after considerable skirmishing and some destruction of property the expedition returned to Boston.¹

This second failure was a blow to Dudley's prestige, but he put the best face possible upon it. He attempted to reach the guilty officers by courts martial, and told the General Court that, although he had not accomplished all he had hoped for, yet he had destroyed the estates of the French round Port Royal. He took the same line to the Board of Trade. He was loyally silent concerning the inefficiency of the commanders, attributing the failure to the lack of heavy guns. He enlarged upon the great destruction of French property, the small loss to his own force, and the numbers of prisoners he had taken, and concluded, "and so I must be content for this winter."²

Though discouraged by this second miscarriage of his plans, Dudley did not lose heart. In fact, the disaster taught him the much-needed lesson of the necessity of having able commanders and aid from England. Two years later, therefore, when the colonists sought to free themselves from the danger of French invasion, they asked the aid and coöperation of England. In October, 1708, the General Court prepared an address to the queen asking for aid to drive the French from Canada.³ The bearer of the address, curiously enough, was Samuel Vetch, who had been released from his imprisonment by order of the Privy Council. Vetch had married into the Livingstone family and was, with his father-in-law, interested in the Canadian trade; he was also, as has been seen, employed by Dudley in his negotiations with Vaudreuil.⁴ Thus by

¹ In the Board of Trade's *Papers, New England* (Ms.), 13, R. 57, there is an account of "The Shamefulness of the Port Royal Expedition."

² *Ibid.* R. 35.

³ *Ibid.* 14, S. 50.

⁴ See memoir and papers relating to Vetch, in Nova Scotia Historical Society, *Collections*, iv. 11-112.

knowledge, experience, and influence he was well qualified to urge the plans of the colonists. The reception of his proposals more than justified the confidence which the colonists had put in his abilities; for, with the encouragement given him in England, the plan to conquer Canada widened until it involved the expulsion both of the French in the north and of the Spaniards in the south.¹ To this the English government agreed, and the queen directed that circular letters should be sent to the governors of all the colonies north of Pennsylvania commanding them to give assistance as Vetch should require it.²

Early in April the *Dragon* arrived in Boston with the commanders Vetch and Nicholson on board. A council meeting was held on April 13, at which the English officers were present; and during the succeeding weeks the Council issued many orders carrying out the suggestions of Vetch.³ Dudley, Vetch, and Nicholson were apparently acting in perfect accord, and Dudley took every opportunity to show them honor, much to the disgust of the colonists;⁴ but though he was evidently partial to the British commanders, he saw to it that the pay of the colonial officers should be raised so that they might "look like British Officers With whom they must now be joined, That they be not disparaged in the Service."⁵ The General Court met on May 25, and on the following day Dudley began to urge the passage of the bills necessary to raise and equip the required force. Under his lead the Court authorized the raising and equipping of a force of nine hundred men, the fitting out of transports and hospitals, and the seizing

¹ Parkman, *A Half-Century of Conflict*, i. 130.

² *New York Colonial Documents*, v. 70.

³ *Council Records* (Ms.), v. 54 *et seq.*

⁴ Sewall's Diary, July 21, 1709, Massachusetts Historical Society, *Collections*, 5th Series, vi. 259.

⁵ *Records of the General Court* (Ms.), viii. 456.

of provisions to be paid for at a fixed price.¹ Although the Court thus loyally seconded Dudley, these measures were not popular with the Boston merchants, and the Council found considerable difficulty in enforcing them.²

The attack upon the seaboard colonies was but a part of Vetch's plan. While Port Royal was to be threatened by Massachusetts, a combined attack from New York was to be made upon Canada in concert with the Iroquois. This part of the plan was intrusted to Nicholson; but, though he reached Lake Champlain, he did not dare to move farther until he heard that the combined British and colonial forces had left Boston. Throughout the summer of 1709 the force under Nicholson lay at Wood Creek and was decimated by disease; while during the same time the Massachusetts forces were quartered in Boston and the provisions were on shipboard. At length, at the October session of the Court, Dudley was obliged to announce that word had come from England that the fleet had been diverted. At a council of officers Dudley urged that an attempt be made upon Port Royal with the forces already under arms; but the English officers refused to sanction this step, and some of the colonial vessels sailed away.³ Dudley continued to urge his plan upon the General Court; but the Representatives refused to comply, and after some futile debate he was forced to sign the warrant disbanding the troops.⁴

Again Dudley had been unfortunate, but his plans had failed this time through no fault of his own. The expense to the colony had been heavy, — sixty thousand pounds, he reported to the Board of Trade;⁵ but this had been granted

¹ *Ibid.* 431, 446, 458.

² *Council Records* (Ms.), v. 79-80.

³ *Records of the General Court* (Ms.), viii. 477.

⁴ *Ibid.* 477-482.

⁵ Board of Trade, *Papers, New England* (Ms.), 14, S. 60.

cheerfully in the hope that "that nest of Spoilers so near us" might be destroyed.¹ The colony was again disappointed, but in the face of such disappointment it speaks much both for Dudley's tact and for the sense of justice of the colonists that their displeasure was not vented upon him. Although the merchants might complain at the prices established by the Court and Sewall grow petulant at the entertainment of the British officers, there was surprisingly little criticism of the governor. It seems to have been tacitly admitted that he performed his difficult part with remarkable discretion.

In reporting the expense of this attempt Dudley declared that it had been borne cheerfully in the hope that another expedition might be sent in 1710 which would bring about the reduction of Canada;² and the General Court had already sent an address to the queen requesting aid for the enterprise. This time, warned by experience, the Court made few preparations until the fleet was actually in the harbor. Then, in the last weeks of July, arrangements were hurried. The queen was thanked for her generosity and assured that she would find the colony both ready and willing to coöperate with the royal force. The House then postponed consideration of all measures that had been assigned to this session in order that it might be able to give its undivided attention to military affairs. A force of nine hundred men was voted, and, as extra inducements to enlist, a month's pay was given in advance, freedom from impressment for three years was guaranteed to the volunteers, and the troops received as a personal gift the arms furnished by the colony for the expedition. Provisions were again to be seized and to be paid for at fixed prices, soldiers were quartered upon the inhabitants of Boston, and bills of credit were issued to the amount of fifteen thou-

¹ Board of Trade, *Papers, New England* (Ms.), S. 41. ² *Ibid.* S. 60, S. 88.

sand pounds.¹ On September 1 the expedition sailed from Boston, and on the 25th the troops were disembarked before Port Royal. The men were well placed, the fire from the heavy guns soon forced the French commander to surrender, and Port Royal was in the hands of the English for the third time.²

Massachusetts and Dudley were greatly relieved and rejoiced; not only was the "nest of Spoilers" destroyed and the danger of French invasion removed, but the fisheries of the colony were much enlarged. The General Court hastened to thank the queen for the capture of Port Royal and to suggest that the fruits of the victory be secured by the establishment of an English colony there; and, having gained this decisive victory, both the Court and Dudley urged that another expedition be sent against Quebec.³ The representations of the Massachusetts assembly fell in with the desires of the English ministry. It was decided that a large expedition should be sent to conquer Canada and put an end once for all to the danger of French invasion from that quarter. Practically the same plans were adopted that had been tried in the expedition of 1709. An overland expedition was to go from New York up the valley of the Hudson River, while a great fleet from England was to ascend the St. Lawrence and attack Quebec. The expedition was well devised and well equipped, but most unfortunately commanded; "Jack" Hill, the brother of Mrs. Masham, the favorite of the queen, and Sir Hovenden Walker, two men of notorious incompetency, were picked for the leaders.

So well were the plans of the admiralty concealed that not

¹ *Records of the General Court* (Ms.), ix. 57-66 *et seq.*, July 20 to August 23.

² Nicholson's Journal is in the Board of Trade's *Papers, New England* (Ms.), 14; T. 13; and also in Nova Scotia Historical Society, *Collections*, i. 59-104.

³ *Records of the General Court* (Ms.), ix. 76.

till Nicholson landed at Boston did the colonists believe that the fleet would be sent. Though the House at once voted to raise a force of nine hundred men and a hundred Indians, it urged Dudley to represent the poverty of the colony at a military conference which was to be held at New London.¹ Before Dudley could return, the fleet arrived at Boston. Once again the Court responded to his urging. Bills of credit for forty thousand pounds were issued, the merchants subscribed to a popular loan, and the commissary officers were authorized to break in and seize the necessary provisions if these could not be purchased at the prices fixed by the Court.² In carrying out these directions, Dudley encountered considerable opposition, which was not diminished by the overbearing manner of the British officers; so that all concerned were glad to see the fleet leave Boston, June 30, 1711.

Though Vetch, who was brought on from Port Royal to command the colonial detachment, had been on the river many times, his advice was not utilized, and eight or nine of the transports were wrecked; whereupon Hill and Walker, although they still had a large force at their command, decided to retreat.³ Thus the efforts of the colonists were again wasted, and an increased debt was the sole result of the expedition.

If Dudley's career as a captain-general be judged by the expeditions with which he was connected, it was a lamentable failure. Yet he never pretended to any military ability, nor was such expected of him. His talents lay rather in an administrative line; and from this point of view his career was

¹ *Records of the General Court* (Ms.), ix. 119.

² *Ibid.* 127-131.

³ Vetch's Journal is in *British State Papers, America and West Indies* (Ms.), 561, pp. 271 *et seq.*; also in *Nova Scotia Historical Society, Collections*, iv. 105-110.

by no means an unsuccessful one. While he was governor, numerous and large expeditions were raised and equipped in a colony already burdened with debt and deserted by her natural allies; but the credit for this is due as much to the people of Massachusetts as to Dudley, and perhaps a more popular man could have done even better. Yet his efforts were appreciated both in Massachusetts and in England; and his schemes for conquest, though sometimes foiled by the choice of improper leaders, were those which the English government approved and ultimately adopted in the final conquest of Canada.

One of the qualities that aided Dudley in gaining his appointment was his ability to deal with the Indians. No man, it was said, was fit to manage Indians unless he had eaten a bushel of salt; and "Coll. Dudley had eat more as two," wrote one of his enthusiastic admirers.¹ His experience in Indian affairs was long and varied. During King Philip's War he was one of the commissioners of the Massachusetts Court; as an Assistant he and Stoughton were constantly employed on Indian affairs; while in New York he was one of the Indian commissioners; and he still retained his power, as will be seen in his ability to influence the Mohegan Indians in order to further his own ends. As governor of Massachusetts, he had ample opportunity to display his talents. In one of his first speeches to the Assembly he informed the deputies that he had heard from secret intelligence that the French were tampering with the neutrality of the Indians;² and one of his first acts was to make a journey to Maine to try to dissuade the Indians from joining with the French.

¹ Godfrey Dellius to Paul Dudley, September 16, 1701, Massachusetts Historical Society, *Collections*, 6th Series, iii. 520.

² *Records of the General Court* (Ms.), vii. 333.

Although he was not successful in this particular instance, there is ample evidence that he had great power over them. Throughout his whole administration he kept in close touch with the Schuylers at Albany, who were sometimes able to warn him of an impending raid.¹ Moreover, it is possible that he may have taken advantage of the good-will of the Nipmucks; for there are instances in the Council records of Indians from that region bringing information to the governor, and it is certain that he took great interest in this feature of his administration, personally directing the Indian scouts and spies.² Although profiting by his influence with the Indians, his enemies did not hesitate to charge him with improper correspondence not merely with the Indians, but with the French as well; and he was accused of permitting, if not inciting, some of the attacks upon the colony.³

In his management of the Indians, Dudley developed a sound policy. It was his purpose to establish trading posts in the Indian country, to get first their trade and friendship and then their aid against the French. This idea he broached at the first meeting of the General Court in 1702;⁴ but the Assembly disapproved and the matter was dropped until the close of the war. At the first Court after the peace, Dudley revived his scheme.⁵ There were complaints that fishermen sold brandy to the Indians and caused many disturbances,⁶ and that the Indians were becoming disgusted with their deal-

¹ *Council Records* (Ms.), iv. 371.

² *Ibid.* iii. 420, 422.

³ See *A Memorial of the Present Deplorable State of New England*, 12-13; Dudley "could prevent the Indians and French from coming upon us"; he "had Correspondence with a Fryer or Jesuit . . . and hath great influence" over the Indians.

⁴ *Council Records* (Ms.), iii. 362.

⁵ May 27, 1713, *Records of the General Court* (Ms.), ix. 271a.

⁶ *Massachusetts Archives* (Ms.), li. 265.

ings with the colonial traders and might resume their trade and intercourse with the French. Dudley at first proposed that the Court admit the Indians to trade under strict regulations. To the first part of this proposition the Court agreed, and voted to admit the Indians to trade.¹ But a free and unrestricted trade was not what the governor wanted; he desired that a trading post should be established having a monopoly of all the Indian trade and that it be kept under strict governmental control. To this the Court would not agree, but as a temporary compromise, voted that the governor might license certain persons not connected with the government to trade with the Indians.² In the following year, Dudley renewed his application for a trading house, to be managed by an officer who should have no interest in the profits made at the post; by this means he hoped to establish peaceful relations with the Indians and to gain their trade, which was in danger of going over to the French.³ Though the Council at first supported the governor, the House was firm, and the matter ended in a defeat for Dudley; for on June 18 the House voted to admit the Indians to trade with any one or in any part of the province.⁴

It is probable that the deputies believed that the governor had eaten his "bushel of salt," and saw in this measure but another one of his attempts to benefit himself. Had his plan been adopted, it is certain that the door would have been open for some corruption, that places would have been made for the governor's supporters, and that his interest would have been strengthened. On the other hand, it is equally certain that Dudley's plan was a wise one, for it was used with remarkable success both by the French in Canada and by the English in New

¹ *Records of the General Court* (Ms.), ix. 315.

² *Ibid.* 340.

³ *Ibid.* 375, May 26, 1714.

⁴ *Ibid.* 376.

York. The General Court was jealous of the executive power, and the trading class was so anxious for gains that Dudley's well-tried plan was never put into effect in Massachusetts; but the Indians were left to the mercy of the frontier traders, who were practically uncontrolled by the government.

NOTE

DUDLEY'S REPORT TO THE BOARD OF TRADE, OCTOBER 8, 1706

. . . I had a Number of French Prisoners belonging to Port Royale, And they near an Equale Number of our men, And Some that belonged to Virginea taken at Sea, which I was willing to exchange, and accordingly sent a Sloop to Port Royale on that Score, The Master I employed was one Rouse who foolishly & wickedly agreed with a Fishing Vessell or Two to follow him, And hoping for some gain carried Trade with him, cloathes & Grain, And at the same time some other vessell managed by Captain Vetch That came from Darien when that place broke up, was concerned also; And Sayled to the Poynt of Cancer on the bank of Newfoundland; I had soon advice thereof and they were all apprehended & Comitted to Prison, and the people thereupon in a very great displeasure, That any Body should be so wicked as to Labour to Supply The Indian Rebels that were fled from us, And whose Planting there three Years I had prevented by very hard Marches of the Queens Subjects.

The Generall Assembly being Sitting at the Time I allowed them to take cognisance thereof as the Charter doth admit, And upon a long hearing and process Six of the Said Persons are fined. . . . The Acts of the Assembly are now laid before your Lordships, And I have underwritten and agreed The Acts Severally with these words Saving to her Majesty her Royall prerogative reserving to the Fines as I am Comanded.

I am humbly of opinion That the fines are beyond the Power of Some of them (especially Rouse) to pay, And would have been glad had all been moderated about one halfe, To Which if Her Majesty will of her royal Grace please to remite, or however it

shall please her Majesty to dispose, I most humbly submit it to her royale Pleasure.

I am sensible that the Persons in their Applications to your Lordships and elsewhere will reflect upon Some Methods in the Proceedings, Especially of the house of Representatives, but when it shall be remembered, That they are farr distant from home, of less education and knowledge in the Law, and in a very great displeasure against Traders with the Enemy, aggravated by a hard pressure of the Enemy at the very instant when this was discovered, it will go a great way in their Excuse.

It was a very difficult thing for mee to keep the People within bounds in their Displeasure, and I was something fearfule of any outrage upon the Delinquents, but it is well over, And the proceeding of the Generall Assembly, The Members will to be sure [to] use their endavours to make it look well & satisfactory to the People everywhere, And no other Court could have done the Same.

I pray leave to Assure your Lordships That I was never more sorry for anything in my Life, Than that so ill and inconvenient thing should happen to outrage the People while they are under so heavy Taxes & hard Service to starve And Destroy the Enemy.

That I have used all possible means in my Power in the Proceedings to have them modedate as well as reasonably Satisfactory in so Publick a Case.

That I have no animosity to any The Persons delinquents who had suffered to the Last Degree If I had not with all the Skill I have, laboured to quiet The People.

That I shall be very glad of her Majestys favour to any or all of them as well as to all her good Subjects in the Government, who are at this Time patient of the utmost Charges and heavy Service for Her Majestys honour as well as their own Support.¹

¹ Board of Trade, *Papers, New England* (Ms.), 13, Q. 90.

CHAPTER VII

DUDLEY'S RELATIONS WITH THE COLONIES OF NEW HAMPSHIRE, RHODE ISLAND, AND CONNECTICUT

THE Stuart plan for the consolidation of the American colonies was checked by the revolution of 1689. The charters granted by Charles II to Rhode Island and Connecticut were quietly resumed, and the governments established under them were tacitly recognized by William III. Of the Dominion of New England, as it existed in the time of Andros, New Hampshire and New York remained royal provinces, directly dependent upon the crown; while Massachusetts received a charter vesting the appointment of the governor in the king. During the administration of Lord Bellomont, the experiment of joining New York to New England was again tried; but from his death until 1702 this policy was held in abeyance, and was definitely abandoned upon the appointment of Dudley as governor of Massachusetts and of Lord Cornbury as governor of New York. From 1702, throughout the colonial period, New York and Massachusetts, though both exposed to the same dangers and each needing the coöperation of the other, existed not merely independent of one another, but often selfishly neglectful of each other's needs and best interests.

Yet even without New York, many of the military resources of the old jurisdiction of Andros were at Dudley's command. On the same day on which he received his commission for Massachusetts he was commissioned governor of New Hamp-

shire; and, pursuant to the resolution of the Privy Council made in 1696, he was directed to take command of the military forces of both Connecticut and Rhode Island in time of war or danger. Although the territory over which Dudley ruled was smaller than that governed by either Andros or Bello-mont, yet Dudley interpreted the powers granted to him to the broadest extent, and sought, as far as possible, to establish within the narrower limits a system similar to that which had existed under Andros. He exerted himself to the utmost in his several capacities; and in trying to increase the influence of the crown, and at the same time to extend his own personal power, he became involved in quarrels quite apart from those resulting from his administration in Massachusetts. Massachusetts had boundary disputes with all the other New England colonies; and, although the negotiations over their settlement throw little light upon Dudley's character or administration, they account in some measure for his widespread unpopularity throughout New England. These disputes, however, were minor matters compared with those larger and wider plans which he tried to put into operation and which made him the most hated man in all New England.

In New Hampshire alone he was popular. His commission and instructions for the government of that province were almost identical with those which he had received for Massachusetts;¹ but in New Hampshire the quarrels and disputes were of such a nature that, as representative of the queen, he could side with the people against the heirs of the old proprietors, and thus, instead of gaining the ill-will of the Assembly, he won its confidence and support. He resided in Massachusetts during his term of office, and, though he made frequent

¹ *New Hampshire Provincial Papers*, ii. 366 *et seq.*; Massachusetts Historical Society, *Proceedings*, 2d Series, viii. 93 *et seq.*

journeys to New Hampshire, relied upon his representative, Lieutenant-Governor Usher, to bear the brunt of his administration.

The character of John Usher was one of Dudley's greatest assets in his career in New Hampshire.¹ Usher had all of Dudley's unpleasant qualities greatly exaggerated, but little of his ability and none of his higher aims. His career, however, is strikingly like that of Dudley, though little but self-interest and desire for gain can be found in it. Like Dudley, he was a native of Massachusetts, a stationer of Boston with a large fortune and a fair reputation in trade. Like Dudley, he had been employed as agent for Massachusetts in England, and had negotiated for the purchase of Maine with the heirs of Sir Ferdinando Gorges. Like Dudley, again, he had held office under Sir Edmund Andros; while Dudley was chief justice, Usher was treasurer, and together they formed a part of the working force of the Council. Both had suffered loss of popularity from that connection, and both were anxious to rehabilitate themselves in the eyes of their countrymen. Here the resemblance ends. Dudley had great personal ambition, and sought for place and office to increase his influence and power; but through it all he was guided by an ideal policy, which, though it might be hated in New England, was considered wise and statesmanlike in the mother country. Usher, on the other hand, though equally ambitious, was merely seeking to increase his fortune. From the time of his negotiations with the Gorges heirs to the end of his career,

¹ Belknap's *History of New Hampshire* (i. 288 *et seq.*), gives a brief sketch of Usher. Usher's frequent and long reports to the Board of Trade are in manuscript at the Public Record Office, London. The replies of the Board of Trade, also in manuscript, are in *Colonial Entry Book, New England*, 40, E. Usher's speeches are printed in "Journal of the Council and General Assembly," *New Hampshire Provincial Papers*, vols. ii, iii *passim*.

it is hard to find motives other than those of a selfish land speculator.

In his dealings with the Assembly, Usher displayed a conception of the dignity of his office and of his own importance greater than Dudley had ever manifested, and at the same time showed a marked lack of education and political skill. Where Dudley succeeded in gaining his ends by tact and possibly by sharp political manipulation, Usher, scorning Dudley's advice to proceed with care, failed because of his attempts to bluster and browbeat the Assembly. Dudley's success was a mystery to Usher, and he put the worst possible construction upon it. "Angells does great things," he scornfully reported to the Board.¹ His speeches to the Assembly were always incorrectly written, full of complaints and ill-timed demands; and his frequent and long reports to the Board of Trade, always badly written and spelled, contained little but the repetition of vague, ill-natured, and petty charges, "Mostly the same matter over and over again, and in such method as renders them very difficult to us to understand; Wherefore We must advise you for the future onely to write plaine matter of fact, and in such a manner as may be less obscure," wrote the Board of Trade in 1704.² During his term as lieutenant-governor Usher continued to live in Boston, and went often to New Hampshire to summon a Council meeting, where little was done but listen to a speech from the lieutenant-governor. So deeply was he involved in suits concerning land titles that Dudley received a special instruction directing that Usher should "not intermeddle in any manner with the appointing of Judges or Juries."³

¹ Board of Trade, *Papers, New England* (Ms.), 12, N. 67.

² *Colonial Entry Book, New England* (Ms.), 40, E. 328.

³ *New Hampshire Provincial Papers*, ii. 406.

Dudley could not but be popular in contrast with such a lieutenant. Moreover, he increased his popularity by allowing members of the independent faction to act as councillors and by leaving the government as much as possible in the hands of the people. Such policy bore good fruit. The queen was thanked for his appointment, and he was welcomed with a congratulatory address.¹ The Assembly voted him a present of five hundred pounds;² but he "was not willing at this time of great Expences in their Preparation to Defend themselves against the french Indians to accept more than Two Hundred and fifty Pounds."³ The Assembly, however, settled an annual salary of one hundred and sixty pounds upon him, — a thing which he had vainly tried to induce the Massachusetts Court to do, — rallied to his support with complimentary addresses when he was attacked in 1704⁴ and 1707,⁵ and finally, at the accession of George I, petitioned for his continuance in office. Such enthusiastic support, so rare for a colonial governor to receive, would seem suspicious were it not for two features of his policy, which were both statesman-like and necessary and of such a nature as to win and hold the good-will of the people.

The plans which Dudley made for the defence of the colony were bound to be popular. New Hampshire was more exposed to attack than any of the other colonies under his jurisdiction.

¹ Board of Trade, *Papers, New England* (Ms.), 11, L. 28 (New Hampshire). A full account of his reception is found in one of his letters in the Rawlinson collection at the Bodleian Library, Oxford, *Rawlinson Mss.*, C. 128, f. 14.

² *New Hampshire Provincial Papers*, iii. 232.

³ Board of Trade, *Papers, New England* (Ms.), 11, L. 7.

⁴ Address of the New Hampshire Assembly, February 11, 1703-1704: "Being Sensible of Your Great care for Her Majesties Service . . . We Humbly thank God for our preservation . . . and attribute much to your constant care and Sollicitude for us" (*ibid.* 12, N. 50).

⁵ Addresses of the New Hampshire Assembly, justices, officers, merchants, and ministers: *ibid.* 13, R. 90-92.

It was also the poorest and least populous, and the one most needing aid from the others. As captain-general of all New England, Dudley at once adopted a military policy which included the defence of all the territory under his jurisdiction; but this policy, though wise and popular with the frontier colonies, involved him in difficulties with those that were least exposed to danger. If Massachusetts would refuse to contribute to the defence of Maine a part of her own territory, it is not to be wondered at that Dudley found it difficult to persuade Massachusetts and Connecticut to assist New Hampshire. Although he failed to obtain from Massachusetts an appropriation to rebuild the forts in New Hampshire, yet he utilized the militia, not merely of Massachusetts, but of Connecticut as well, in defending the northern frontier. He did not, however, allow New Hampshire to relax her own efforts for defence. The forts at Newcastle and Portsmouth were repaired under the direction of the royal engineers and garrisoned at the expense of the colony;¹ and Colonel Hilton, a nephew of Dudley, was kept on almost continuous scout duty to check the constantly threatened Indian raids. All military affairs Dudley kept in his own hands; and, profiting by his various methods of gaining information, he was able to direct operations very successfully on the whole. He allowed no deviation from his orders, and sternly rebuked Hilton for disregarding his directions and acting under the command of some of the New Hampshire officers. He insisted, moreover, that the Assembly should furnish and equip a force which he, not the Assembly, deemed proportional to the population and wealth of the colony.² This military policy, successful

¹ *New Hampshire Provincial Papers*, ii. 445, 452-457, etc.

² Dudley to Hilton, September 24, 1705, *ibid.* 453; also Dudley to the Council, September 24, *ibid.* 468.

in the main, gave New Hampshire greater security than it had enjoyed before; and, though it aroused the jealousy of Massachusetts and Connecticut, it gained for Dudley the gratitude of New Hampshire.

Dudley's most popular action, however, and the one in which he was most favorably compared to Usher, was in the question of land titles.¹ When in 1677 the judges had decided that neither Massachusetts nor Mason had jurisdiction over New Hampshire, the question of the ownership of the land was left in abeyance. The rights and claims which Mason may have had were inherited and purchased by Samuel Allen, who, in turn, sold and mortgaged a portion of his claims to Lieutenant-Governor Usher, his son-in-law. Meantime, settlers had pushed into the province and taken up land on rather doubtful titles, and had cleared and occupied other land on no titles at all. In order to make their property yield a good return, Allen and Usher laid claim not merely to all the waste lands of the province, but to the common lands of the towns as well. Writs of ejectment were brought against the occupiers of this land, but the courts of the province found verdicts consistently in favor of the defendants. Allen then carried his case on appeal to England, where upon the advice of Sir Edward Northey, the attorney-general, his claim to the waste lands was allowed and the jury was directed to bring a verdict to that effect.

Fortified by this decision, Allen and Usher took possession by turf and twig, not merely of the waste land, but of the common land in each township, and brought a suit of ejectment against Richard Waldron as a test case. Usher then informed Dudley that the case was to be tried, and requested

¹ W. H. Fry in his *New Hampshire as a Royal Province*, ch. iv., gives an excellent account of the land system in New Hampshire.

him to come and demand that a special verdict be brought for Allen and himself, as, indeed, the governor was directed to do by special instructions from the queen. Dudley first ordered the court to be adjourned until he should be in Portsmouth; then he waited because of rumors of an impending Indian raid, and finally, when he did set out, was taken ill with a "seasonable fit of gravel," and thus was unable to be present at the trial. In his absence the court not only refused to bring in the desired verdict, but again found for the defendant and assessed the costs of the entire trial upon Allen. The case was once more appealed by Allen. An almost successful attempt at compromise was cut short by his death, and the suit was renewed by his son, Thomas Allen, in 1707. Again the Court of Common Pleas of the colony refused the desired writ of ejectment; and the Superior Court, despite directions to bring in a special verdict for the plaintiff, brought a verdict for Waldron and again put the whole costs of the trial upon the plaintiff. Dudley's sympathy was with the people throughout the whole dispute. Believing that they had some claims, in equity if not in law, to the lands they had defended, he reported to the Board of Trade, "I am firmly of the opinion, that the poor people Her [Majesty's] tenants and Inhabitants have possessed those lands thirty years and more, subdued them at the coste of the true present value, defended them for Sixty years past with the loss of their blood and treasure, it will be inconsistant with her Majesty's grace to her good Subjects either to Eject them or to put them to a rack rente."¹ He therefore proposed that the queen should resume the original grant and compensate the heirs of Allen, and that, after confirming the present occupiers in their holdings, the crown should be reimbursed by the sale of the remaining waste lands.

¹ Board of Trade, *Papers, New England* (Ms.), 14, T. 3.

The determination of the case was postponed, but before a final settlement was reached Thomas Allen died and Usher was removed from office, so the suit was not resumed. Thus a claim which had existed since the founding of the province ceased to be urged, not through lack of legal proof, but through the ability of the colonists to wear out the claimants.¹

Although Dudley's suggestion for the settlement of this protracted dispute was not adopted, yet his proposed compromise was a wise and farseeing one, which showed an honorable escape from the difficulty for all parties concerned. To the colonists it would primarily give legal security for their land titles; and perhaps such a legal recognition of their claims might have done something to check the spirit of illegality and lawlessness too often successful in New England. The rights of Allen and Usher, vague and unsatisfactory as they were, had been recognized by the crown: by Dudley's plan, these were honorably and legally extinguished. The crown, moreover, while remedying injustice and showing generosity to both parties, was not to be the loser in the transaction. Aside from the solid financial returns which would accrue to it, the government was freed from a perplexing and protracted dispute, and might count upon the gratitude of both parties.

Thus by defending the province and aiding the colonists in time of danger, and by taking a larger and broader view than usually characterized colonial governors, Dudley was able to retain the support of New Hampshire throughout his administration.²

¹ The case of Allen *vs.* Waldron, together with all the necessary documents, is printed in *New Hampshire Provincial Papers*, ii. 514-562. Belknap's *History of New Hampshire* (i. 308-328) gives a clear and well-tempered account, as does Batchellor's edition of the *Laws of New Hampshire*, ii. 2-3.

² Batchellor, in *Laws of New Hampshire*, ii. 3, takes an equally favorable view of Dudley's administration.

With Connecticut, his relations were not so harmonious. He was forced to bear much of the inherited distrust that was a legacy from the Andros administration, and to meet all the independent feeling of that colony, which, since the resumption of the charter, was greatly increased. His first collision was over military affairs. It has already been seen that Dudley was charged with the defence of all New England, and that even within his own province of Massachusetts he had great difficulty in leading the General Court to aid in protecting the northern frontier. The same difficulty in an increased degree faced him in dealing with Connecticut.

In May, 1703, Dudley wrote to Fitz-John Winthrop that he had information which led him to believe that the French were planning a descent upon Deerfield, and asked that the Connecticut towns might send some aid.¹ This request was granted, and orders were given to send fifty men.² But the attack upon Deerfield did not come until the following year; and meantime, Dudley sought to utilize the Connecticut troops upon the eastern frontier, and asked Winthrop to enlist a company whose transportation and supply Dudley would furnish.³ To this, Winthrop replied that danger to his own frontiers required him to keep all his forces at home, but that he would guard the Massachusetts towns in the Connecticut valley and would try to furnish Dudley with some Indians.⁴ This did not please Dudley, for he felt that a single company of Indians was a small quota for Connecticut to contribute in view of the great expense laid upon Massachusetts; and he significantly remarked in one of his letters, "If I be broke here you will stand but a little while."⁵ He got

¹ Massachusetts Historical Society, *Collections*, 6th Series, iii. 129.

² June 9, *ibid.* 131.

³ August 16, *ibid.* 139.

⁴ August 23, *ibid.* 149.

⁵ October 21, *ibid.* 159.

no satisfaction, however; Connecticut thought it best to defend the towns in Hampshire County with her own militia, merely allowing Dudley to equip and pay an exorbitant wage to a few Indians. Even these were cut off; for as a result of the Deerfield massacre Winthrop refused to allow them to proceed, and laid the whole matter before the Assembly.¹

Dudley was not slow to inform the Board of Trade of his failure. On September 15, 1703, he reported, "In this necessity and great charge I have written in the most pressing manner to the Governours of Rhoad Island and Connecticut for the Advance of but 150 men between them, but can obtayn nothing."² This brought a prompt rebuke from the people of Connecticut, one of whom declared that it was "not otherwise than it useth to bee";³ and a special commission of the Connecticut Assembly was directed to make report of the services and expenses of the colony for military affairs and to lay an account "before her Majestie, to take off those calumnies our neighbours one way & the other have laid on us."⁴ But Sir Henry Ashurst, now agent for Connecticut and Dudley's most bitter enemy, put an even worse construction upon the whole affair; for he wrote to Winthrop, "I am senceable Dud: & Co. doe complaine of yo^r not sending yo^r quota that they may put the money in their pocketts."⁵ As a result of these complaints and charges, Dudley was able to get little or no aid for the expeditions which he planned upon his own authority; and the assistance sent for the more general expeditions devised in England was but grudgingly given.

¹ Winthrop to Dudley, November 4, *ibid.* 159; Winthrop to the Connecticut Assembly, March 15, 1703-1704, *ibid.* 184.

² Board of Trade, *Papers, New England* (Ms.), 12, N. 22.

³ John Chester to Winthrop, December 11, 1704, Massachusetts Historical Society, *Collections*, 6th Series, iii. 276.

⁴ July 3, 1704, *ibid.* 235.

⁵ July 7, 1705, *ibid.* 298.

Aside from the disinclination to contribute to distant expeditions from which no immediate safety or profit could be gained, — a disinclination which characterized all the colonies, — Connecticut felt aggrieved that the command of its militia was vested in the governor of Massachusetts. This power rested upon the opinion of the law officers of the crown that the king could appoint a commander-in-chief for the military forces of the colony; and it had formerly been intrusted to Governor Fletcher of New York. Although Fletcher probably had no such experience as tradition describes, he reported that he was unable to exercise command of the militia within the limits of the colony.¹ Dudley also experienced difficulties in the exercise of his power. He was too wise to attempt to take command of the militia within the colony, as Fletcher essayed to do, but contented himself with calling for troops and insisting upon his right to commission officers of the Connecticut militia while they were serving within Massachusetts. Even this perfectly proper demand met with such opposition that Dudley at the time was forced to write to Winthrop, "S^t I pray to be understood you shall withdraw your troops that you give me for her Majesties service when you please, but in this government their commission and service must be under the direction of her Majesties Commission here."² This may seem an "over-nice" point, as it did to Winthrop,³ who, while insisting upon his right to commission the officers, had directed them to obey the governor of Massachusetts; but when it is seen that the Connecticut troops were so unwilling to obey the Massachusetts authorities and so anxious to get home that they disbanded without orders,⁴ it can be

¹ *New York Colonial Documents*, iv. 71.

² April 18, 1704, Massachusetts Historical Society, *Collections*, 6th Series, iii. 191.

³ *Ibid.* 217.

⁴ Letters of various officers to Winthrop, July, 1704, *ibid.* 237-244.

believed that Dudley had some justification for his insistence on the point.

Connecticut, as well as New Hampshire, was vexed by a dispute concerning land titles. In Connecticut, however, Dudley was forced to side against the colonists; and instead of winning support, as he had been able to do in New Hampshire, he increased his already too heavy load of unpopularity and odium. The Connecticut case dealt with Indian rights and titles, — always a fertile source of litigation, — and was not finally settled until the reign of George III. The dispute arose from the fact that in 1659 Major John Mason, the conqueror of the Pequots, purchased certain Indian lands from Uncas, an Indian chief.¹ From this point, every step of the affair is involved in dispute and mystery. It seems that Mason made over some of his lands to the colony, reserving certain rights for himself; that the colony granted these lands to English proprietors; and that Uncas tried to sell the lands a second time, ignoring the previous sale to Mason. The heirs of Mason claimed that they were being defrauded, and the colonial authorities, hoping to extinguish the Indian claims, offered to repurchase the lands from the Indian claimants. But this would have extinguished the claims of the Masons as well; hence they prevailed upon the Indians not to accept the offer, and sought support from England. They were successful in their attempts, and the Privy Council directed that a commission should be granted to Dudley instructing him to erect a court in Connecticut to do justice to the Indians.²

¹ See *The Moheagan Indians against the Governor and Company of Connecticut: Case of the Respondents, to be heard before the Privy Council*, 1770, p. 4. This case is treated at length in Trumbull's *Connecticut*, ch. xvii.; Palfrey's *History of New England* (iv. 354-366) and Doyle's *English Colonies in America* (iii. 398) give summaries. That by Doyle is clear and temperate in tone.

² *Register of the Privy Council* (Ms.), Anne, ii. 78.

This was regarded in Connecticut, with some show of right, as an invasion of the colony's charter privileges. It was also known that Dudley had great influence with the Indians; and it was charged that he possessed several hundred acres of land in the disputed territory,¹ though this he unequivocally denied.² It is not surprising, therefore, that the trial was tumultuous. The Connecticut managers "clamourously comānded all persons to withdraw and not to attend us nor [give] evidence some of them boisterously pulled down the hand of a witness swearing and drew him out of the Court and the people spoke freely amongst themselves of siezing us at the board, as I was several times assured."³ The decision went against Connecticut; but the colony refused to obey it and an appeal was carried to England, where through the influence of Sir Henry Ashurst it was sustained and a new trial ordered.⁴ Dudley naturally represented this episode to the Board of Trade in the worst possible light; and from his experiences in Connecticut he was justly confirmed in his opinion that the chartered colonies were a source of weakness and danger to the crown.

This opinion, which, to do him justice, he had formed before his experience as governor, was still further strengthened by his relations with Rhode Island. The first dispute with this colony was over military affairs. As in the case of Connecticut, Dudley had received a commission directing him to take command of the militia of Rhode Island; but in dealing with the latter colony, where the Quakers were numerous, he did

¹ Mason to Dudley, April 13, 1705, Massachusetts Historical Society, *Collections*, 6th Series, iii. 329; Governor and Council of Connecticut to Ashurst, August 29, 1705, *ibid.* 304.

² "I never had one Acre of land in that Colony of Connecticut in my Life." — Dudley to the Board of Trade, in its *Papers*, *New England* (Ms.), 13, Q. 78.

³ *Ibid.* p. 68.

⁴ Trumbull, *History of Connecticut*, i. 449.

not use the same tact which he had shown in Connecticut. In 1702, Dudley, with several members from the Massachusetts Council, went to Newport to publish his commission, "at which the Quakers raged indecently";¹ but, though meeting with some opposition, he was allowed to take the usual oaths of office. He then ordered the militia to parade under arms; but Governor Cranston referred him to Major Martindale, the commander, who, after taking advice, refused to obey, alleging that the matter must first be laid before the Assembly.² Dudley was greatly chagrined, but was forced to comply, and left Newport for the Narragansett country. At Rochester, a town which he himself had named when he was president of the Massachusetts Council, he was well received, and was given command of the company in spite of the opposition of the people from Newport. As a result of his experiences, however, he put on official record in his report to the Board of Trade that "the government of Rhode Island in the present hands is a scandal to her Majesty's government."³

Not only was he thwarted in taking official command of the forces of Rhode Island, but he could get very little aid from that colony. He complained to the Board of Trade that, although he had written in the most pressing terms, he could obtain no help "notwithstanding this province do's wholly Cover & Secure them from danger."⁴ As a result of his representations, the Privy Council directed the Board to prepare letters urging both Rhode Island and Connecticut to send aid

¹ *Rhode Island Colony Records*, iii. 462.

² This episode is reprinted from the original documents, *ibid.* 459 *et seq.* The documents are in *Massachusetts Archives* (Ms.) ii. 118, and in the Board of Trade's *Papers, New England* (Ms.), 11, L. 12 and 25.

³ *Rhode Island Colony Records*, iii. 462.

⁴ Board of Trade, *Papers, New England* (Ms.), 12, N. 22.

to Massachusetts;¹ but little was accomplished. "Instead of assistance from Rhoad Island my next neighbours," Dudley wrote to the Board, "I have some hundred young fellows fittest for the service fled thither and entertained there, and I have no means to reduce them, but they will double they^r province and give me no assistance of men or money."² This statement cannot be taken literally, and Rhode Island emphatically and expressly denied that she was sheltering deserters.³ Nor was it true that Dudley gained no assistance; but the amount he received seemed so small in comparison with the burdens which Massachusetts was compelled to bear, and the difficulties in obtaining it, and the technicalities insisted upon in granting it were so burdensome, that there is some justification for his exaggerated language.

"When I was at Rhode Island," wrote Mompesson, chief justice of New Jersey, to Secretary Nottingham, "they did in all things as if they were out of the dominions of the crown."⁴ It was a part of Dudley's task to bring this small but unruly province within the dominion of the crown. It has already been noted that he was made captain-general of the colony, and the difficulties that he experienced in the exercise of his functions have been described; but he also came into conflict with Rhode Island in another capacity. He was appointed vice-admiral of the colony, and was thus charged with the enforcement of the navigation laws and the condemnation of any prizes that might be brought into the ports of the colony. There was ample need of some manifestation of English control if the crown intended to enforce the mercantile system which

¹ *Ibid.* N. 30; also *Register of the Privy Council* (Ms.), Anne, ii. 60.

² Board of Trade, *Papers, New England* (Ms.), 12, U. 30.

³ *Rhode Island Colony Records*, iii. 547.

⁴ Chalmers, *Revolt*, i. 338, July, 1704.

was established by the navigation laws; for in a period when the mother country was attempting to monopolize colonial commerce, Rhode Island naïvely confessed that it had no "direct trade with England."¹ Dudley was not successful in putting an end to all these illegalities, most of which were of long standing. Indeed, he found the task so far beyond his power that early in his administration he reported in despair, "My Lords it is with everything in that place, it is a perfect Receptacle of Rogues and Pirates."² Nevertheless, he appointed a deputy-judge of admiralty, and did what he could to enforce the laws of England. Against the evasions of the laws of trade he could make little headway; but he insisted that all commissions for privateers and all condemnation proceedings should be upon his authority. In so doing he came into direct conflict with Governor Cranston, who was issuing commissions without regard to English law. Dudley enforced his claim at the expense of being charged with bribery and partiality; and apparently put a temporary stop to those irregularly commissioned privateers between which and pirates there was little to choose.³

Dudley was thus constantly thwarted and hampered in the exercise of his power by both Connecticut and Rhode Island. He saw that collective military operations were impossible, and that the crown was prevented from using the military strength of the larger and better protected colonies for the defence of the weaker and more exposed communities. He saw

¹ Chalmers, *Revolt*, i. 339, July, 1704.

² Dudley to the Board of Trade, in its *Papers, New England* (Ms.), 12, M. 37.

³ Some of the documents concerning the privateer *Charles* are in *Rhode Island Colony Records*, iii. 537 *et seq.* More important letters are in the Board of Trade's *Papers, New England* (Ms.), 12, P. 36, 61; also *ibid.* 13, Q. 98, and R. 1, 5.

that it was impossible to enforce a harmonious policy upon so many independent jurisdictions; he saw the commands of the crown regarding both military and judicial affairs ignored by both Connecticut and Rhode Island, and the laws of England broken with impunity. He had been personally insulted; but that, he said, he was willing to bear from a consciousness of having attempted to do his duty. He was, however, obliged to report, "I am humbly of opinion that if these commands be easily passed over . . . they will presume to a very great Degree, And her Majestys Commands will be greatly slighted to the hurt of these Governments & their just Dependence and obedience, besides that I shall be personally insulted by them, which if there were nothing else in the matter I could well bear, knowing that therein I have done my Duty to her Majesty & Justice to her Good Subjects of the several Provinces, who being equally her Majestys Subjects ought to be equally defended [illegible] & taxed for that end."¹

In Massachusetts he had difficulty enough, though in that colony the charter defined and protected the rights of the crown. In neither Rhode Island nor Connecticut were the rights of the crown in the least guaranteed; on the contrary, both of these colonies were practically self-governing communities with their own rights and prerogatives defined and guaranteed against England. Dudley's solution of these difficulties was to have these charters revoked and all the New England colonies consolidated into one jurisdiction. This was no new idea; it was a system with which Dudley was thoroughly familiar from his experience on the Council of Andros, who had ruled over the very jurisdiction that Dudley now desired for himself. But the days of such high-handed

¹ Dudley to the Board of Trade, in its *Papers, New England* (Ms.), 13, Q. 37.

proceedings as had characterized the surrender of the Connecticut and Rhode Island charters in the time of James II had gone by. One of the causes of the Revolution of 1689 had been the enforced surrender of the municipal charters in England; and William III had recognized the necessity of proceeding with more circumspection. Nevertheless, it was necessary to find a solution for the impossible conditions that obtained in some of the colonies. To free Protestant Maryland from its Catholic proprietor, Attorney-General Holt had in 1690 given an opinion that in case of necessity, the king might resume the powers granted by a charter.¹ Still later, as has been seen, it was held that the king might appoint a captain-general for the military forces of a colony while allowing the civil government to remain undisturbed; and finally, in 1694, it was held that upon an "extraordinary exigency" the crown might appoint a governor for the civil as well as for the military functions of the government.²

Even before his appointment as governor of Massachusetts, Dudley had seen the possibilities of these opinions and had used his influence to have the charters of Connecticut and Rhode Island rescinded.³ Although it might seem perfectly proper to act upon the opinion of the law officers of the crown, an act of Parliament would, beyond all question, be final. Accordingly, by Dudley's influence, a bill was introduced into the House of Lords whereby the charters of Connecticut and Rhode Island were revoked; but for some unknown reason the project was abandoned.⁴ Dudley, however, did not relax his efforts. In one of his first reports he declares that little

¹ Chalmers, *Opinions*, 65.

² *Ibid.* 66.

³ Trumbull, *History of Connecticut*, i. 429.

⁴ Ashurst to Winthrop, May 5, 1701, Massachusetts Historical Society, *Collections*, 6th Series, iii. 69. A copy of the bill is in Hinman's *Antiquities*, 299.

can be expected from Rhode Island "till Her Majesty be pleased to remove that little shadow of Government there remaining. . . ."¹ This fell in with the ideas of the Lords of Trade, who, although they answered that the present session of Parliament was so far spent that nothing could be done, nevertheless, called the attention of the queen to their frequent representations on the evils of independent governments. Again in 1704, the Board sent a long representation to the Privy Council, repeating the complaints which Dudley from Massachusetts was urging against Rhode Island and which Cornbury from New York was making against Connecticut. The Privy Council referred these complaints to the law officers of the crown, who gave it as their opinion that they did not find anything in the clauses of the charters "that can exclude your Majesty (who has a right to govern all your subjects) from naming a Governor on your Majesty's behalf, for those colonies at all times."² Several hearings were held by the Privy Council, before which Sir Henry Ashurst appeared for Connecticut; and the matter was finally referred to Parliament.

Dudley had played his cards well so far. Without doubt he was actuated to a great extent by personal ambition and by a desire to be made governor of the same dominion over which Andros had formerly ruled. He already had New Hampshire and Massachusetts under his jurisdiction, but he was wise enough not to include New York in his project. Instead, he adopted the shrewd course of conciliating Lord Cornbury, the governor of New York and the cousin of the queen, thereby

¹ Board of Trade, *Papers, New England* (Ms.), 12, M. 10.

² Chalmers, *Opinions*, 66; Board of Trade, *Colonial Entry Books, New England* (Ms.), 39, D. 374, and 40, E. 6-14, 358 *et seq.*; *Register of the Privy Council* (Ms.), Anne, ii. 152, 197, 205, 218, and iii. 52, 89.

converting a possible rival and enemy into a friend and ally. Thus these two "hammonds" (Hamans), as Sir Henry Ashurst called them,¹ consolidated their influence and worked together with a fair prospect of success. The Connecticut agent was Dudley's old enemy, and kept himself informed of each step of the proceedings. He believed that an attempt was to be made in 1703-1704, and sent to Connecticut for material for the defence;² but, as has been seen, the Privy Council was more deliberate, for, giving both the accuser and the accused opportunity to prepare their charges and their defence, it did not act till 1705-1706. As a result of the hearings before the Privy Council, a bill was again introduced into the House of Lords, where it was again thrown out, as Ashurst reports, on the first reading.³

It was a difficult political combination which Dudley had set out to attack, and it was extremely fortunate for both Connecticut and Rhode Island that they were able to combine their defence and join their different sources of influence. The reputation of Rhode Island was none too good. Too many representations from too many royal officials had been made concerning her lawlessness, her smuggling, and her piracies, to allow it to be supposed that she was a hardly abused colony. It was fortunate for her that she was able to put Connecticut in the front rank of her defence. Connecticut, by judicious yielding and waiting for a more favorable time to insist upon her contentions, had gained almost all she desired and had surrendered practically none of her privileges. Connecticut thus contributed to the common defence a good name com-

¹ Ashurst to the Governor and Council of Connecticut, April 22, 1707, Massachusetts Historical Society, *Collections*, 6th Series, iii. 378.

² Ashurst to Wait Winthrop, July 25, 1703, *ibid.* v. 119.

³ *Ibid.* iii. 326-327, May 21, 1706.

bined with a great reputation for persistence, and, in addition, all the influence which the indefatigable Ashurst could stir up among the nonconformists. On the other hand, the Quaker element, strong in Rhode Island, employed William Penn. In certain periods of Penn's career, his intervention would have been harmful; but now he was in high favor, and as proprietor of the largest province in America and as the leading Quaker in England, he was able to exert considerable influence. In addition to all these various hostile agencies, the bill had the misfortune to be introduced by a divided ministry, which may have withdrawn it for the sake of harmony. To whatever combination of forces the defeat was due, Dudley's immediate hopes were at an end; and, although as late as 1709 Sir Henry Ashurst warned the Governor and Council of Connecticut that "y^e Cannanite is in y^e land & watches for yor halting,"¹ there is no evidence that either Dudley or the Board of Trade renewed the attempt during the reign of Queen Anne. On the other hand, there is evidence that Dudley accepted the defeat with good grace; for his complaints concerning the neighboring colonies diminish, and he seems to have attempted to make the best of conditions which he believed were not for the best interests of England.

The colonists could see in this attempt nothing but another example of Dudley's ambition, which they thought was ever ready to sacrifice their welfare to gain its own ends; and it is true that his plan for colonial union would have destroyed the independence of two colonial governments, and would have increased the control of England and the influence of the crown. However dangerous it might be from the point of view of the colonists, to the home government the plan had great merits. By such a union, the administration would have

¹ Massachusetts Historical Society, *Collections*, 6th Series, v. 191-194.

been made easier, the laws more harmonious, the commercial policy of England more possible of execution, and above all more effective military service would have been rendered by the colonists. However pardonable such a recommendation might have been from an English official, from a native it seemed the act of a traitor, and Dudley was so regarded. Yet it must be remembered that from 1681 he had identified himself with the movement to increase the control of England, and his present action was but a consistent result of his principles. Doubtless Dudley was ambitious and desirous of increasing his own power and position; but the fact that his views were presented before he took office and were urged at the expense of personal popularity while he was in office, and that he attempted loyally to make the best of conditions after the ministry had abandoned his plans for colonial union, points to some other motive than mere personal ambition. Dudley's ideas were the result of his long colonial experience and of the knowledge which he had gained in his long and varied career as a colonial administrator; they were the views of an English official rather than of a leader of the colonial spirit of individualism as exemplified in New England. Though his motives were questioned and distrusted by his fellow-colonists, his ideas and attempts at colonial union were wise and statesmanlike.

CHAPTER VIII

THE CURRENCY AND BANKING PROBLEMS DURING DUDLEY'S ADMINISTRATION AS GOVERNOR

THE poverty of Massachusetts emphasized the need of a colonial currency. In the early years there was practically no specie in the colony, and the settlers were driven first to barter and then to the use of furs as a medium of exchange. The most common medium, however, was wampum, which continued to be legal for taxes until 1649 and for private debts until 1661.¹ As trade and wealth increased, the colonists gradually accumulated a small stock of silver, chiefly Spanish coins, some of which remained in the colony and became the circulating medium. Since this silver was of different value from the English sterling silver coins, the General Court in 1642 voted that a Spanish dollar in Massachusetts should be equivalent to five shillings sterling.² Perceiving that the European trade drew off the little stock of coin circulating in the colony, the colonists in 1652 determined to set up a mint of their own to coin a purely colonial currency, which they hoped would remain at home.³ An additional reason for having a mint was found in the fact that the coins brought in trade were frequently clipped, sweated, and of light weight, "whereby many people were cousened, and the Colony in danger of being undone thereby."⁴ Finally, according to Hutchinson, the trade with the West Indies brought in con-

¹ *Massachusetts Colony Records*, ii. 279; iv. pt. ii. 4.

² *Ibid.* ii. 29.

³ *Ibid.* iv. pt. i. 84.

⁴ Felt, *Massachusetts Currency*, 30.

siderable uncoined bullion, which had been the spoil of the pirates.¹

The coins produced at the colonial mint were purposely made to contain less silver than the English sterling shillings, and soon passed in London at twenty-five per cent discount.² This fact, however, was considered an advantage by the colonists, since the coins were designed solely for circulation in Massachusetts and their exportation was forbidden by law.³ The natural result of this depreciation was that sterling and Spanish silver soon appreciated in value, a fact recognized by the General Court in 1672, when the value of the Spanish dollar was raised from five to six shillings.⁴ These values were increased from time to time by the action of the courts,⁵ and silver passed according to a legal but fictitious value. This state of things caused Colonel Quarry, an acute observer of colonial affairs, to advise the government to reduce "all Coyns of America to one standard," since this would make most of the money centre in England.⁶ Accordingly the queen issued a proclamation fixing the value of the coins which most commonly circulated in America, and directing that these should pass according to the proclaimed values rather than at the values assigned them in the colonies.⁷ Dudley laid this proclamation before the General Court at its session in 1704;⁸ but, although various bills were introduced to make its provisions effective, nothing was done, and the Council finally voted that the governor should issue a proclamation

¹ Hutchinson, *History of Massachusetts*, i. 164.

² Felt, *Massachusetts Currency*, 32; *Massachusetts Colony Records*, iv. pt. i. 84.

³ *Massachusetts Colony Records*, iii. 353.

⁴ *Ibid.* iv. pt. ii. 533.

⁵ Douglass, *Discourse concerning the Currencies of the British Plantations in America*, ed. C. J. Bullock, in *Economic Studies*, ii. 303-304.

⁶ Felt, *Massachusetts Currency*, 38.

⁷ *Massachusetts Acts and Resolves*, viii. 472.

⁸ *Ibid.*

officially publishing that of the queen.¹ Although Dudley did this and the governors of the other colonies followed a similar course, the queen's proclamation was nowhere obeyed save in the Barbadoes;² and the first attempt of the government to regulate the value of money contrary to natural laws failed.

The next attempt on the part of Massachusetts to increase her currency was unfortunately more pernicious than the simple depreciation of the specie coin, and was followed by a train of disastrous consequences. The unexpected return of the ill-fated expedition led by Sir William Phips against Quebec in 1690 produced a financial crisis. "The government was utterly unprepared for the return of the forces. They seem to have presumed, not only upon success, but upon the enemy's treasure to bear the charge of the expedition."³ Instead of a profitable venture, the government found "*forty thousand pounds*, more or less, now to be paid, and not a penny in the treasury to pay it withal . . . [and the] *sailors* and *soldiers* now upon the point of mutiny."⁴ To meet this difficulty the General Court authorized the emission of £7000 in bills of credit, and soon increased this to £40,000;⁵ and it voted that these bills should be receivable for public dues at five per cent premium.⁶ A tax was levied to redeem them, and the bills were regarded as merely loans in anticipation of the collection of taxes; for, as Sewall says, they were "not made for want of Money; but for want of

¹ March 3, 1704-1705, *ibid.* 473.

² Felt, *Massachusetts Currency*, 60.

³ Hutchinson, *History of Massachusetts*, i. 356.

⁴ Mather, *Magnalia*, i. 173.

⁵ *Massachusetts Acts and Resolves*, vii. 375; *Records of the General Court* (Ms.), vi. 185.

⁶ Davis, *Currency and Banking*, i. 10-13; *Records of the General Court* (Ms.), vi. 170, 171, 185.

Money in the Treasury.”¹ But in spite of the action of Phips, who “cheerfully laid down a considerable quantity of *ready money* for an equivalent parcel of them,”² the bills first passed at a discount, the soldiers getting no more than twelve or fourteen shillings in the pound. Then, as the time for the payment of taxes came, the notes went to a premium, and thus the loss fell upon the first holders.³ However, by adhering scrupulously to the method of redeeming the bills by taxes, and by offering five per cent premium when they were taken in payment for taxes (an offer which was duplicated by the town of Boston),⁴ the government was able to put out in issues and re-issues about £82,000 of these bills between 1690 and 1702, which were accepted willingly and passed freely in the colony.⁵

Thus on Dudley’s accession to office, he found the colony committed to a financial policy from which there seemed little hope of escape. Throughout the greater part of his administration, England and France were at war, and Massachusetts was burdened with taxes for the defence of her frontiers and for the various expeditions that she sent against Canada. Consequently it was a difficult task to force the unwilling assembly to vote taxes to retire the bills of credit; and the task was still more difficult from the fact that many of the assembly held that the bills were not an evil, but a genuine advantage to the colony in that they supplemented the deficiencies of the colonial currency. Dudley’s difficulties were

¹ Sewall’s Diary, November 3, 1712, Massachusetts Historical Society, *Collections*, 5th Series, vi. 366.

² Mather, *Magnalia*, i. 174.

³ Hutchinson, *History of Massachusetts*, i. 357.

⁴ Davis, *Currency and Banking*, i. 19; Record Commission, *Boston Town Records*, viii. 24-25.

⁵ Davis, *Currency and Banking*, i. 14, 18. “In New England sterling exchange was 133 in 1702, a rate corresponding exactly to the rating of the dollar at 6s.” — Bullock, *Monetary History of the United States*, 39.

still further increased by the fact that early in his administration he lost the confidence and gained the ill-will of the House, by his attempts to force a favorable action upon the questions of establishing a fixed salary for the governor and rebuilding the fortifications at Pemaquid. Indeed, Dudley would have accomplished little had not the Council come to his aid. Although the Council of Massachusetts owed its election to the House, yet so strong was habit that the lower house usually chose men of wealth and position to sit in the Council. This custom Dudley strengthened by the frequent use of his prerogative to negative the election of persons who were irreconcilably opposed to his policies. Thus, although the Council might side with the House upon purely political questions, yet upon financial matters its very composition led it to oppose the radical propositions of the deputies.

As the war continued, the expenses for military affairs increased beyond all expectation. To meet these expenses, and at the same time to supply the growing commerce with a sufficient circulating medium, the General Court continued the policy of issuing bills of credit. These issues were made every year of Dudley's administration, and varied from £10,000 in 1702 to £58,000 in 1715; in no year after the war began did they fall below £20,000. In all £474,000 were put in circulation. The acts or joint resolutions by which these bills were issued provided in every instance for a tax or special fund to redeem them. Up to 1705 the taxes of the succeeding year were appropriated to cancel the amount issued; in that year, however, the redemption of the issue was postponed until 1707.¹ The custom once started, it became increasingly easy for the General Court to mortgage the future, and the date of redemption was farther and farther postponed. From

¹ *Massachusetts Acts and Resolves*, i. 580.

1706 to 1711 three years was the accepted time; then it was increased to five years;¹ and the last issue made in Dudley's administration, on August 27, 1715, was not to be redeemed until 1722.²

From the first, Dudley seems to have taken the position that all the benefits which might accrue to the colony from the circulation of these bills would be lost if the province did not scrupulously adhere to its agreement in retiring them. For example, at one of his first meetings with the General Court, May 23, 1703, he said, "The particular Business you have before you is The Making good of the Votes of the two last Assemblies in Raising the Tax for the Bills already Issued."³ In this instance, the House at once complied, and a tax was levied in accordance with the previous votes.⁴ Again in 1708, when the habit of postponement was becoming fixed, he was forced to urge the House to do its duty, and in his address said: "We are all sensible of the great service & Benefit that we have by the Bills of Credit. It behooves us to be very jealous of their Disparagement, and as We always deposited a just Fund for their Support, so I think It may be proper to make some Act of this Assembly to prevent their being under-sold, and thereby Defamed."⁵ The House again came to his support and he was able to carry out his plan.⁶ Indeed, throughout the actual continuance of the war, he succeeded in forcing the Court to adopt his financial policy.

When peace was declared, however, and actual danger did

¹ *Massachusetts Acts and Resolves*, ix. 181.

² *Ibid.* 421; Douglass, *Discourse concerning the Currencies of the British Plantations in America*, ed. C. J. Bullock, in *Economic Studies*, ii. 305; Felt, *Massachusetts Currency*, 63; Sumner, *History of American Currency*, 17.

³ *Records of the General Court* (Ms.), vii. 386-387.

⁴ *Massachusetts Acts and Resolves*, i. 520.

⁵ *Records of the General Court* (Ms.), viii. 325.

⁶ *Massachusetts Acts and Resolves*, i. 624.

not threaten the colony, he encountered stronger opposition; and his continued unpopularity and final overthrow were due to his firm stand upon financial matters. In 1715, when the House was attempting to reduce from £22,000 to £16,000 the taxes on polls and on personal and real estates, which were pledged for the redemption of the bills for that year,¹ the governor, with the support of the Council, protested most earnestly. "At the last Session of the Assembly," he said, "I earnestly recommended to you the raising of Twenty two Thousand Pound, granted and determined by two former Assemblies of this Province for the Drawing in of that Sum of Province Bills raised & emitted for the Support of the late War and the Troubles with the Indians, Which said Acts of the Assembly were passed by the Representatives & Council, of y^e Province, and presented to the Govern^r to be sign'd & Passed the Seal in due Manner, & accordingly in that Form sent Home & are thereof Recorded & Accepted by the Right Hon^{ble} the Lords of the Council of Trade & Plantations . . . and it is easy to see how the Credit of those Bills must needs sink & fail if the present or future Assembly shall upon any Pretense whatever, break in upon those Clauses in the said Act for the Time of Payment, Which I am willing to give as my Opinion We have no power to do, Nor have we any reason to project it, For we are at Peace and very capable to discharge our Debts, in such Proportions as they are determined. . . . I therefore earnestly recommend the consideration of the Tax, Impost, and Excise to your present Resolves, & hope that you will make no Delay but pass through them in two or three days, not admitting any other business this Session."² Nevertheless,

¹ *Records of the General Court* (Ms.), ix. 472.

² *Ibid.* 470. Also printed in C. H. J. Douglas's *Financial History of Massachusetts*, 119.

the House persisted in its policy, and passed a vote retiring only half the amount called for and postponing the retirement of the remainder until 1722. The Council now came to the governor's aid by non-concurring in the vote of the House, and after debates and conferences lasting over a week forced the House to comply with Dudley's request.¹ By this action, however, party lines were sharply drawn and a large number of the country members and of the merchants whose affairs were involved were offended.

The province was soon divided into two parties over the question of the currency. A small party composed of the richer merchants in Boston were in favor of calling in the bills of credit and resuming specie payment; but this party formed only a small portion of even the conservative class. The majority of the conservatives, recognizing the need of some increase of the circulating medium, were in favor of an issue of new bills which should be vested in a board of trustees and should be loaned out by the government on the security of mortgages. To this party, which was known as the public bank party, were drawn the minority who were in favor of retiring all the bills of credit. The more radical faction, known as the Land Bank party, composed of those whose affairs were involved, and of many of the country members of the House who were the debtor class and who believed that a greater volume of currency would improve their condition,

¹ July 22-29, 1715, *Records of the General Court* (Ms.), ix. 472 *et seq.*; *Massachusetts Acts and Resolves*, ii. 17. By previous resolves (*Acts*, i. 668, 687) £5000 and £17,000 respectively were to be raised by taxes on polls in 1715. The act of 1715 grants £2000 from the treasury, £2000 interest on loan money, £7000 from impost, and £11,000 from taxes levied on polls. The total £22,000 was thus raised, but not in accordance with the previous resolve. This may be the reason for Mr. Davis's assertion that the General Court did not follow the advice of the governor (Davis, *Currency and Banking*, i. 56).

were in favor of the establishment of a private bank which should have power to emit paper currency and advance it to them on the security of mortgages held on their land. To this party were added, whether because of their sincere belief in the remedy proposed or because of their natural hostility to the Governor and Council, those enemies of Dudley who posed as democratic leaders and were ever ready to find a pretext on which to attack him.

Dudley took a keen interest in this discussion. He and his party, representing as they did the official, wealthy, and conservative element in the colony, were naturally to be found on the side of the public bank; but the attitude which they held on this question represented a complete change of ideas, and well illustrated the conservative influence which their official responsibilities exerted upon them. In the early discussions in regard to banking, Dudley and his friends occupied positions quite similar to those now held by the radical party. In 1661-1662 John Winthrop, while in England, was admitted a fellow of the Royal Society, and submitted to the council of that body "some proposalls concerning a way of trade & banke without money."¹ Furthermore, although unsuccessful in interesting the Society in his scheme, he corresponded with various of his friends concerning his plan.² In 1681 the Reverend John Woodbridge, who was a brother-in-law of Dudley and a connection of Winthrop's, published a pamphlet which probably set forth Winthrop's ideas.³ It proposed the establishment of a bank, — that is, the emission of notes on the

¹ American Antiquarian Society, *Proceedings*, New Series, iii. 272.

² See Trumbull, *ibid.*; Davis, *Currency and Banking*, ii. 62-68; Bullock, *Monetary History of the United States*, 31.

³ "Severals relating to the Fund," reprinted in Davis, *Tracts*, 1-12. This pamphlet is ascribed to Woodbridge by Trumbull, in American Antiquarian Society, *Proceedings*, New Series, iii. 268.

security of land, — and asserted that this had been successfully done in 1671 and 1681.¹

A few years later another plan, the suggestion of Captain John Blackwell, an intimate friend of Dudley, was presented to the Council over which Dudley himself was presiding.² By this scheme, a number of subscribers were to unite and choose managers and assessors. The latter were to have the real power and to direct the policy of the bank; and the four men named by initials were Joseph Dudley, William Stoughton, Wait Winthrop, and John Blackwell. The capital was to be provided by subscriptions of £500 each from the twenty-one managers, making in all a total of £10,500. Instead of subscribing cash, the managers might substitute lands or goods for the security of the circulation, thus doing away with any idea of a cash capital. That a close connection between the bank and the government was to be maintained is seen from the fact that three of the four assessors were members of the Council, and also from the significant statement that twelve of the one hundred and twelve shares of the profits were to go

¹ Trumbull (*ibid.* 275) says that a "bank of credit was started in Massachusetts in 1671, and was carried on in private for many months — though without issue of bills, and that, ten years later, a private bank of credit was established and began to issue bills in September, 1681." So also Bullock, *Monetary History of the United States*, 31; and Weeden, *Economic and Social History of New England*, 329. But Davis (*Currency and Banking*, ii. 72) takes the more reasonable ground that these were but notes of individuals, to which the colony was accustomed, and that the mere statement in the pamphlet that "He did in September begin to pass forth Bills" is not sufficient for the assertion that a private land bank was established.

² This plan is probably the original of "A Model for Erecting a Bank of Credit," published in London, 1688, and reprinted in Boston, 1714 (Davis, *Tracts*, 35-68; see also Davis, *Currency and Banking*, ii. 75). Felt (*Massachusetts Currency*, 46-47) gives the preamble of the Council vote, but falls into the error — in which he is followed by Trumbull — of thinking that this bank was a chartered corporation (see Davis, *Currency and Banking*, ii. 79, note 1). The clearest account of this scheme is by Davis, *ibid.* 75-81.

to friends of the bank. Moreover, Dudley, writing on December 22, 1687, to Sir Edmund Andros, as it is conjectured, says, "Further speech about the matter I judge not convenient until we are further advanced and have received your express direction to attend a very good and large dividend of profit."¹ It is probable that nothing was actually done by the partners; for Blackwell wrote in July, 1688, that the whole scheme had been abandoned and that the press was to be sold.² The plan was evidently a purely colonial one, and it may be surmised that it did not appeal to Sir Edmund Andros and the other English officials. At all events, it was not renewed until just before Dudley came to Massachusetts as governor. In 1700, a committee was appointed to consider the methods of reviving and supporting the trade of the colony.³ In March, 1700-1701, this committee reported in favor of establishing a bank of credit which should have the monopoly to issue notes during the term of years for which it was chartered. This plan, however, was rejected, and the matter did not come up again until 1714.⁴

On February 1 and 8, 1713-1714, the *Boston News Letter* contained an advertisement requesting all persons interested in the project of erecting a bank of credit to meet at the Exchange Tavern, where subscriptions would be received, and a petition would be prepared to present to the governor and the Assembly.⁵ This petition was probably presented, for on February 16 the Assembly appointed a joint committee of the House and the Council to consider whether it was expedient to issue a medium of exchange to supply the deficiency of

¹ Quoted in Davis's *Currency and Banking*, ii. 78.

² *Ibid.* 79-80; *Andros Tracts*, iii. 84.

³ *Records of the General Court* (Ms.), viii. 110, June 25, 1700.

⁴ Davis, *Currency and Banking*, ii. 81.

⁵ *Ibid.* 82.

money; and, if the members were of the opinion that it was advisable to issue such a medium, they were to consider whether it were best to found it upon a public or a private bank. On the following day, the committee reported that it was advisable to issue some medium of exchange and that it should be founded on a public rather than on a private fund.¹ This report was accepted and the House voted to appoint a joint committee to consider it; but for some reason the Council did not concur and the matter was left over until the fall.

Although the General Court had expressed a decided opinion in favor of the emission of bills based upon public rather than private credit, the private bank party continued its agitation; and to keep the matter before the public reissued a pamphlet published in London, in 1688, which described the plans put forward by Dudley and Blackwell thirty-five years before.² This pamphlet discusses the subject under seven heads, beginning with "Some things premised for Introduction, touching Banks in general," in which it is asserted that "Money, whether Gold or Silver, is but a measure of the value of other things," that the lack of gold and silver money "hath put divers Persons and Countreys upon contrivances how to supply that Deficiency, by other Mediums; some of which have happily pitch'd upon that of Banks, Lumbards, and Exchange of Moneys by Bills, which have thriven with them. . . . The best Foundation for such an Attempt is, that of Real and Personal Estates, instead of the *Species* of Gold and Silver." The bank is then defined as an emission of bills to the half or two-thirds value of the land or goods mortgaged by the projectors. These projectors were to be organized as managers and assessors, the latter having the

¹ *Records of the General Court* (Ms.), ix. 354 *et seq.*

² See above, pp. 165-166.

oversight and control of the affair. The rules of the bank are set forth, and then follow certain examples from practical trade to show the usefulness of the plan. In the sixth part objections are met in the form of questions and answers: "Q. 1. Can I have Monyes for Bank-bills, when I have Occasion? *Answ.* 1. 'Tis not propounded to be a Bank of Moneys (which is liable to inexpressible & unforeseen hazards) but of Credit to be given forth by Bills; not on Moneys advanced, as in other Banks; but (on Lands or Goods, as aforesaid,) to supply such as cannot get Moneys (by reason of its scarcity) with whatsoever may be had for Moneys." Lastly, the general advantages of the scheme are summed up in the conclusion "That there will arise many more Conveniences & Advantages, by this Bank, to such Countreys where they shall be erected, than have been enumerated, in the several foregoing instances; or, well, can be. . . ." ¹

This plan, an evident repetition of the Dudley-Blackwell scheme, was put forward to attract attention and possibly to forestall opposition on the part of the government. In addition, the projectors presented a plan of their own, which with certain modifications was later embodied in a pamphlet entitled "A Projection for Erecting a Bank of Credit in Boston, New-England. Founded on Land Security." ² This was in the nature of an agreement to be signed by the subscribers, and opened with the familiar statement, "Whereas there is a sensible decay of Trade within His Majesties Plantations in New-England, for want of a Medium of Exchange . . . and there being no other Expedient in our view . . . but by Establishing a Fund or Bank of Credit upon Land Security,

¹ "A Model for Erecting a Bank of Credit," London, 1688, reprinted 1714; conveniently found in Davis's *Tracts*, 35-68.

² Printed 1714; reprinted *ibid.* 69-84.

which may give the Bills Issued there-from a General Currency amongst us," etc. The capital of the proposed bank was fixed at £300,000, of which no subscriber was to take more than £4000; and every subscriber was required to make over his real estate to the amount of his subscription as a security for the notes to be issued. The subscribers agreed to give the bills issued the same currency as the bills of the province, and any person mortgaging real estate could obtain a loan in bills according to the rules of the bank. Regulations establishing the interest paid on the bills at five per cent, and directions for the valuation and mortgaging of certain kinds of property, were given. Not the least interesting of the provisions were those which provided that, when £150,000 had been issued, there should be paid out of the profits £400 a year for establishing a charitable school in Boston, provided the town would agree to receive the bills of the bank for taxes. In addition, the sum of £200 a year was to be given to Harvard College for the establishment of professorships and scholarships.

The projectors, thus frankly advocating cheap and ready money, held several meetings and decided to prepare a petition to the General Court and endeavor to enlist the support of the governor. Dudley was placed in a difficult position. The Land Bank party had used his plans of thirty-five years before to awaken interest in its own scheme, and had modelled its bank after the one which he sought to establish in 1686. In an interview which the members of the party held with him, Dudley, they asserted, told them that he opposed the establishment of any form of a public bank and declared "that he would be the first Person that would take out *Three Hundred Pounds* of their Bills to promote their Credit, and encourage them to proceed to take Subscriptions, in order to lay it before the General Assembly for their Allowance; and

that he would do all that lay in his power to promote it; assuring them that he would Write Home in their favour, by setting forth the Necessity of such a Projection.”¹ Aside from this assertion in a partisan pamphlet full of violent attacks upon the governor and his friends, there is no evidence that Dudley favored the plans of the Land Bank party. Perhaps he was not altogether frank in the interview, and to avoid immediate difficulties appeared to consent to a scheme which he knew would be negatived either in the Council or in England; but that he ever really was prepared to urge the plan cannot be believed. Dudley’s career as governor was marked by insistence upon sound economic principles, and his supporters were found not among the Land Bank party, but among the conservatives of the Council. Even if he had inclined to such dubious doctrines, his son Paul would either have restrained him or have taken a course different from the one he adopted; for as soon as the petition was presented Paul Dudley, as attorney-general of the province, offered a memorial in opposition, wherein he called attention to the faults of the project.² As a result the Council passed an order prohibiting the promoters from printing their schemes or emitting notes until they should lay their proposal before the General Court.³ Although this order was printed in the *News Letter*, it was followed by an advertisement announcing that the promoters would continue to receive subscriptions.⁴

At the fall session of the General Court, Dudley laid the matter before the House in a speech wherein he said that the House was undoubtedly familiar with the proposition of

¹ “A Vindication of the Bank of Credit,” . . . 1714, reprinted *ibid.* 147-166.

² Davis, *Currency and Banking*, ii. 87.

³ *Ibid.*; also *Council Records* (Ms.), August 20, 1714.

⁴ Davis, *Currency and Banking*, ii. 87.

several gentlemen to supply the defect in the currency "by a certain method of Bills of Credit founded upon Land security by way of mortgages made to themselves."¹ Although he made no specific recommendation, he hoped that the House would take such action "as might secure the Honor of his Majesties Government over us & be for the Security & Benefit of the Subject in their Trade & Commerce." On October 22, a joint committee of the House and the Council was appointed, and on October 28, it presented its report.² This report must have been a severe blow to the Land Bank party, for it recommended the emission of £50,000 of bills of credit, which should be vested in the hands of trustees and loaned out on mortgages at five per cent interest.³ Thus in its encounter with the General Court, the bank party received a check.

The stand taken by the government "lessened the party for the private bank, but it increased the zeal, and raised a strong resentment in those which remained";⁴ and it precipitated a war of pamphlets. Paul Dudley came to the support of the government and criticised the project in the guise of "A Letter to John Burril Esq., Speaker to the House."⁵ To Paul Dudley the bank was a "Pandora's Box," from which would come dire consequences to the colony, both constitutionally, since the House had no power to erect such a bank, and economically, since further emissions of doubtfully secured paper currency were not the proper remedies for the financial troubles of the colony. "But," said he, "if we Import from Abroad, more than we can Pay for, by what we Produce our selves, or Purchase from others with our own Commodities,

¹ October 20, 1714, *Records of the General Court* (Ms.), ix. 417.

² *Ibid.* 421-425.

³ *Massachusetts Acts and Resolves*, i. 750.

⁴ Hutchinson, *History of Massachusetts*, ii. 190.

⁵ Boston, 1714; reprinted in Davis's *Tracts*, 85-110.

we shall unavoidably grow Poor, and a Million of *Paper-Money* won't help the matter at all." This able pamphlet, with its sound but scathing criticisms, brought rejoinders from the other party. "A Letter from One in Boston to his Friend in the Country" was an obvious attempt to defend the project and win the votes of some of the country members of the House.¹ Both this and "A Vindication of the Bank of Credit"² contain not merely the economic arguments of the time, but also savage attacks upon Paul Dudley and the governor, who is accused of bad faith in having at one time favored the plan. The struggle in the colony became so bitter that it "divided towns, parishes, and particular families."³ The hostility of the Land Bank party naturally centred upon the governor and his family, who were rightly held to be largely responsible for the failure of the project. Nor did Dudley's activity stop with the defeat of the scheme in the colony. He learned that the Land Bank party was about to carry its case to England, and to obtain there the charter which the General Court refused to grant. He therefore sought "with considerable Warmth" to have most emphatic instructions to oppose the petition sent to Jeremiah Dummer, the agent for Massachusetts.⁴ Instructions were sent, though not so emphatic as the governor wished; but even these were unnecessary, for, as Dummer reported, the Board of Trade would not hear him on the subject, "for they were so clear in it that they answered me at once that no such thing should be done."⁵

¹ Printed 1714; reprinted *ibid.* 111-145.

² Printed 1714; reprinted *ibid.* 147-166.

³ Hutchinson, *History of Massachusetts*, ii. 189.

⁴ Sewall's Diary, November 30, 1714, Massachusetts Historical Society, *Collections*, 5th Series, vii. 27.

⁵ April 5, 1715, *Massachusetts Archives* (Ms.), li. 273-277. The petition of the Land Bank party is in the Bodleian Library, *Rawlinson Mss.*, C. 128, f. 21.

Thus, believing that the defeat of the project both in Massachusetts and in England was due to the governor, the private bank party brought all its influence to bear to bring about the removal of Dudley and the appointment of some other man who would be more pliable. Although opposed by Dummer and Sir William Ashurst, it at length found an instrument in one Colonel Elizeus Burgess, a mercenary office-seeker, who had at one time been an aide to Stanhope. What inducement the private bank party offered Burgess is not known; but he promised not to interfere with its plans and to use his influence with Stanhope to bring about Dudley's removal. In this he was successful; for, although Dudley had in a measure lived down his unpopularity in Massachusetts, his friends and supporters were no longer in power in England, and the new ministers sought to find positions for their own supporters. However, the private bank party reaped little advantage from the removal of Dudley, for Dummer paid Burgess £1000 to resign the office in favor of Shute, a man pledged to oppose all the schemes of the radical party; and Dudley, though removed from office, had the satisfaction of knowing that his opposition had postponed the financial disasters which later overtook Massachusetts.

CHAPTER IX

DUDLEY'S FIGHT TO RETAIN OFFICE

To retain his post during the thirteen troubled years of his administration Dudley was forced to be continually on the defensive. A royal governor attempting to carry out the policy of England could not hope for the support of the province; rather must he be prepared to encounter bitter opposition in the performance of his duty. His every act would be judged by the colonists, not from the point of view of the advantage to England, nor even from that of the need of the colonies as a whole, but from the effect that such a policy would have upon Massachusetts. Nor had Massachusetts a clearly formulated policy which a royal governor could adopt; hardly a question other than the safety of the colony could be brought forward for which a governor could obtain united support. The same feeling of individualism which arrayed the colony against England was to be found in the parties and factions within the colony. The House was jealous of the Council, the country towns of the wealth and influence of Boston, and the people of any exercise of executive authority; while all these tendencies were generally united in common opposition to any manifestation of royal prerogative.

The personal popularity of a governor might, as in the case of Bellomont, silence some of the most malicious attacks and prevent concerted attempts to obtain his removal, but no personal popularity had ever enabled a royal governor to carry out completely the desires of England. Dudley, more-

over, was not popular. To the difficulties of the task of endeavoring to enforce a distrusted English policy were added all the enmities he had made during his previous administration in the colony. Thus he always encountered bitter and unrelenting enemies who brought personal spite and zeal to the conflict and made at least two concerted attempts to accomplish his removal.

His most consistent enemy was Sir Henry Ashurst, who from the time when he was first employed by the Massachusetts agents in 1690 never ceased to oppose Dudley. As has been seen, he discredited Dudley in Parliament and blocked his ambition to succeed Sir William Phips, and he thwarted Dudley's plan to unite Connecticut and Rhode Island under one jurisdiction. These services he was never tired of recounting; but his enmity found expression in more active ways, and from 1702 to 1710 he was in communication with Dudley's opponents, seeking examples of his misrule and actively pressing for his removal.¹ In season and out of season, he was on the alert and left no means untried to secure his object. Near the end of his life, when Dudley's position seemed secure, Ashurst wrote, "Every body thinkes him an excellent Gov^r but S^r H. A."²

Next to Ashurst, though not so consistent in their enmity, were the Mathers, father and son, with all the interests and influence that they could control. This enmity was inherited from the revolutionary period; but just previous to Dudley's appointment a reconciliation had taken place, the price for which can only be inferred. There is evidence to believe

¹ Ashurst to Wait Winthrop, August 28, 1704: "I shuld bee glad to see a safe hand to haue the acco. of all D[udley's] proceedings in New England. . . ." (Massachusetts Historical Society, *Collections*, 6th Series, v. 131).

² Ashurst to Increase Mather, May 10, 1710, *ibid.* 216.

that Cotton Mather sought Dudley's friendship and favored his appointment in the hope that he might utilize the governor's influence in the quarrels in which both Cotton and Increase Mather were involved. Dudley had hardly landed, however, before he offended the Mathers by consulting with their opponents; and the reconciliation, founded on such an insecure basis, was seriously undermined.¹ Then, when by the election of Leverett to the presidency of Harvard College the ambition of the Mathers seemed forever blocked, the friendship was converted into open and bitter hostility.² Their disappointment was increased when they remembered how completely Dudley had been in their power at the time of the Revolution, and when they recognized that without their aid he probably could never have been appointed governor; but, as will be seen, their very vindictiveness and bitterness reacted against them, for in their eagerness to press home every charge against the governor, they included ridiculous rumors which discredited their whole effort.

Though Sewall and Wait Winthrop were both connected with Dudley through the marriages of their children, they also opposed him. Winthrop was in constant communication

¹ "The WRETCH went unto those men [Byfield and Leverett] and told them, that I had advised him to be no ways advised by them; and inflamed them into an implacable rage against me." — Diary of Cotton Mather, June 16, 1702, *ibid.* 1st Series, iii. 138.

² Quincy (*History of Harvard University*, i. ch. viii) gives an account of the Mathers' attempts to utilize Dudley's influence and their anger at their failure to do so. He also credits Dudley with making the suggestion that the college obtain, by a resolution rather than by an act of the General Court, the revival of the charter of 1650, and suggests that it was through Dudley's influence that this action was not questioned in England. This course is contrary to the policy that Dudley usually pursued in his relations with the English authorities, but it is typical of his sharp political practice. Although he alienated the Mathers, he gained the support of the rich and influential group to which Brattle and Leverett belonged.

with Ashurst, and was a possible candidate for the post of governor or lieutenant-governor if Dudley should be removed. Sewall, personally honest, was a time-server, ever ready to congratulate the governor on his success, but secretly working for his downfall and for the appointment of Higginson.¹ The opposition of these men differed from that of the Mathers; for Dudley remained on friendly terms with Winthrop and Sewall throughout his life, and his personal relations with them were close and intimate. Their antagonism was merely a piece of personal politics, — Sewall's to protect his own interest and reputation, Winthrop's to gain advantage and satisfy his own ambition. Of a still different character was the opposition of Elisha Cooke. He was one of the survivors of the old revolutionary party, and was opposed alike to the compromises of the Mathers and to the avowed English policy of Dudley. He deprecated what he considered the surrender of Massachusetts in the acceptance of the charter, and bitterly resented his exclusion from the Council by Phips. Representing ideas so contrary to those which Dudley held, it is not to be wondered at that the governor refused him a seat in the Council, nor is it strange that Cooke steadily attempted to thwart Dudley and seek his removal. His enmity, however, was open and consistent, quite different from the selfish inconsistency of the Mathers and the temporizing treachery of Sewall and Winthrop.

Closely connected with the opposition of Cooke, and forming the party of which he was the leader and on which he could rely, were the remnants of the old revolutionary party. This group was particularly active in some of the country towns, and included not merely those who opposed the new régime

¹ Sewall to Ashurst, February 25, 1707-1708, Massachusetts Historical Society, *Collections*, 6th Series, i. 359.

and hated Dudley as the betrayer of the charter, but those who distrusted executive control of any sort. Another group of opponents was found in New Hampshire. Here Lieutenant-Governor Usher and those who sought for profit in land speculation from the proprietors were always ready to procure and sign petitions for Dudley's removal. Equally active and troublesome were the disappointed place-hunters and the merchants whom Dudley had been obliged to offend by the enforcement of the navigation laws. Their names were found on every petition to remove him; and their affidavits beginning with the vague "It is reported," though satisfying to the Mathers, were not believed in England. Finally, toward the end of his administration, Dudley was confronted by the Land Bank party, a faction more dangerous than any other combination he had faced, for it was founded upon a definite principle rather than upon jealousy and envy. This party, operating in England under the changed conditions consequent on the accession of George I, was successful in bringing about Dudley's removal.

Against these opponents, Dudley had to gather a party on which he could rely. The more wealthy merchants in Boston, whose interest it was to support him as the representative of the conservative party in banking, favored him. The contractors and purveyors of the army were on his side. In country towns he won friends by giving commissions in the militia. He kept an open house during the session of the Court, and set a lavish table, to which he took care to invite the country members, who were sometimes won over by this means. And in spite of his failings of temper he possessed a good deal of tact and personal charm, by which, when everything else failed, he could sometimes transform an enemy into a friend.

This party, strong as it was in Massachusetts, would not have been sufficient to keep him in office without a powerful backing in England. It has been seen that he made himself acceptable to patrons as diverse as Blathwayt, the Bishop of London, and Lord Cutts. Blathwayt was Dudley's sponsor from his entrance into English intrigue on his first mission to England; and he remained his constant supporter. As clerk of the Privy Council, member of the Board of Trade, or member of Parliament, he acquiesced in Dudley's first appointment as president of the Massachusetts council, suggested his service in New York, and very probably procured him the post under Lord Cutts. Blathwayt and Dudley together attempted to thwart the reversal of the Leisler attainder; and Blathwayt urged Dudley's appointment as governor in 1695 and 1702, and advised, supported, and defended him throughout the greater part of his administration.

Though Blathwayt's influence seemed almost permanent in the Board of Trade, Dudley sought to bring himself before the attention of other English politicians. In this endeavor he was aided by John Chamberlayne, whose friendship he retained throughout his administration. Besides possessing influence as a literary and scientific man, active in the affairs of the church and busy about the court, Chamberlayne was an inveterate letter-writer. He was, in short, just the person to act as Dudley's confidential representative to keep him informed concerning the feeling in England. Aside from the enjoyment which he had in the task, Chamberlayne expected the more solid reward of the position as English agent for Massachusetts; but this Dudley could not obtain for him.¹ Through Chamberlayne he was informed of the

¹ "I am very sorry to find that the business of the Agency drives as heavily as Pharaoh's charriots in the Red Sea." — Chamberlayne to Dudley, June 22,

various complaints against him. His pressing for his salary and his action in refusing the councillors made a bad impression on some of his supporters in England, who feared that he was too precipitate.¹ He was warned that Jehu was recognized by his furious driving, and that although he was out of sight the disturbance which he raised could be heard.² Blathwayt also sent him a warning;³ and Chamberlayne advised him to allay the feeling against him by "judicious letters" to the Bishop of London and the lord president of the Council, and to Nottingham and Weymouth. Dudley not only wrote the letters, but sent a present of furs, which strengthened Nottingham to his interest.⁴ Thus, by means of flattery, presents, and possibly bribes Dudley was able to keep his friends at court and to count on their support in the frequent attempts to remove him. He had, as Ashurst said, "such insinuation, such parts, that only Satan himself hath greater";⁵ and so long as his friends were influential at the court of Queen Anne, he kept his office.

The efforts to remove Dudley began almost simultaneously with his appointment; for in 1702, Chamberlayne reported that there was an attempt to displace him and to unite Massachusetts under the rule of "a certain noble peer that owes you 10£."⁶ This attempt came to nothing; but Ashurst wrote to Winthrop to keep him informed of Dudley's proceedings,

1704, Massachusetts Historical Society, *Collections*, 6th Series, iii. 544. About a year before, July 24, 1703, Chamberlayne had written, "The antient and repeated assurances your Ex^{ty} was pleas'd to give me of the business of an Agent, even whilst your affaires were *sub judice*, leave me no room to imagin that you can ever alter your kind intentions in that matter, and therefore we will wait with patience for an alteration in your government" (*ibid.* 540).

¹ October 27, 1702, *ibid.* 532.

³ *Ibid.* 529.

² December 25, 1703, *ibid.* 542.

⁴ *Ibid.* 539.

⁵ Ashurst to Winthrop, August 24, 1708, *ibid.* v. 173.

⁶ *Ibid.* iii. 530. (Lord Cornbury.)

adding that he hoped to see New England in other hands.¹ To discredit Dudley and at the same time to save the Connecticut charter, Ashurst opposed the scheme for colonial union; but the failure of Dudley's plans did not seem to the Board of Trade a sufficient cause for his removal. The most concerted and active attempt, however, was made in 1707. In June of that year, a petition was presented to the queen asking for Dudley's removal.² The first signer of the petition was Nathaniel Higginson, a Massachusetts merchant, who had gone to England in 1674, entered the service of the East India Company, and was now in London corresponding with his former friends, Sewall and the Mathers. Among the other signers were William Partridge, formerly lieutenant-governor of New Hampshire, his son Richard, Thomas Allen, who was probably the son of the proprietor, and John Hinks of that province. The petition represented the discontented faction in New Hampshire which resented Dudley's attitude in the dispute over land titles. Higginson and some of the other signers had been Massachusetts colonists, and Higginson was put in the front rank because of his experience as governor of the factory at Fort St. George. It was thus a joint attack made by the malcontents of both provinces.

The grounds on which Dudley's removal was asked were that he had countenanced illegal trade with the French and had furnished the enemy with ammunition; and that when the traders were suspected the governor delayed their prosecution until the "ammunition he had furnished the enemy was used by them to the destruction of your majesty's good subjects, and that colony thereby put to thirty thousand pounds charge." It was also asserted that he had prevailed upon the

¹ August 28, 1704, *ibid.* v. 131.

² Hutchinson, *History of Massachusetts*, ii. 145.

General Court to change the accusation of Vetch and his accomplices from treason to misdemeanor, and that he had attempted to mitigate the punishment and fines voted by the Court.

Still further to discredit Dudley and to stir up official and popular feeling against him, there appeared in London a few weeks later a pamphlet entitled "A Memorial of the Present Deplorable State of New-England."¹ This was a bitter attack upon the governor, not merely accusing him of the serious charge of trading with the enemy and manipulating the trial of the traders, but asserting, under the guise of unsigned letters and affidavits, that the governor corresponded with a "Jesuit or Friar of great influence" and boasted that he could do what he would with the enemy. Dudley was charged with bribery, corruption, and intimidation; and the favorable addresses which Massachusetts and New Hampshire had sent were scoffed at as being obtained from office holders and friends. From internal evidence it is probable that Cotton Mather was the author of this pamphlet, to which Partridge added some of the affidavits; and from the similarity of the accusations in this and the Higginson petition, there is no ground to doubt that the two were parts of a carefully planned attack made by Dudley's enemies in both England and America.² The attack was well timed; for from February to Sep-

¹ The original copy is in the Public Record Office, Board of Trade's *Papers, New England*, 13, R. 13. It is reprinted in Massachusetts Historical Society, *Collections*, 5th Series, vi. 31*. Dudley, in his reply, "A Modest Enquiry into the Grounds and Occasions of a Late Pamphlet intituled, A Memorial of the Present Deplorable State of New-England," asserts that the original pamphlet appeared in London, July 10, 1707.

² In March, 1707, Luttrell (*Brief Historical Relation of State Affairs*, vi. 152) records the rumor that Hunter was to be sent to succeed Dudley; and May 10, 1707, Ashurst wrote that he did not doubt that Dudley would in a little time be succeeded by a more worthy person (Hutchinson, *History of Massachusetts*, ii. 147).

tember, 1707, the Board of Trade and the Privy Council had before them the whole matter of illegal trade and the particular cases of Vetch and Bourland. Had they not believed the assertion of Dudley that the unusual action of the General Court was due to popular excitement, they might have believed that it was, as his enemies declared, a device to divert suspicion from himself.

That rumor and suspicion had not spared the governor is seen from the action of the General Court in Massachusetts. On July 9, 1706, while the trial was still in progress, the House voted that it was "utterly false & without the Colour of Truth," that the first question asked of the prisoners was whether the governor was concerned in the trade. The House also thanked Dudley for using his influence to prevent such a trade not only in the present instance, but at all times.¹ There is nothing to show that the governor made any attempt to procure the passage of this vote; nor did his most bitter enemy, Cotton Mather, in his attack the following year, accuse him of such an attempt. Therefore it is fair to assume that in July, 1706, there was no evidence that Dudley was engaged in such trade or that the House believed him to be. Moreover, the letters of Winthrop to Fitz-John Winthrop, in which the account of the arrest is given and the rage and rumors of the people are described, there is no mention made of any complicity on the part of the governor;² and Colonel Quarry, reporting to the Board of Trade six months later, accuses some "topping men of that Government," but not the governor.³ That Vetch and his associates were concerned in the trade is certain, and that Winthrop sympathized with them he himself

¹ July 9, 1706, *Records of the General Court* (Ms.), viii. 218.

² Massachusetts Historical Society, *Collections*, 6th Series, iii. 333-336.

³ *New York Colonial Documents*, v. 30 et seq.

says.¹ Moreover, Livingstone, a connection of both Winthrop and Vetch, was reported on a similar voyage and warned not to come to Boston.² These men were sufficiently prominent to account for the "topping men" in Quarry's report. Had the governor himself been engaged in the trade, there would have been some evidence of the fact either in the accusations of his enemies or in the confidential letters of his friends.

Copies of the Higginson petition and the Mather pamphlet reached Boston on November 1, 1707.³ Dudley was furiously angry and demanded a vote from the General Court clearing him of all suspicions. He first read the petition before the Council and demanded that it be voted a scandalous and wicked accusation. Sewall prayed that it might be laid over a few days, but the vote was rushed through and sent to the House.⁴ Here occurred a delay. The matter had now become a party conflict; for, on October 28, Leverett, the governor's candidate, had been chosen president of Harvard College, thus ending the control of the Mathers over that institu-

¹ Winthrop to Fitz-John Winthrop, June, 1706, Massachusetts Historical Society, *Collections*, 6th Series, iii. 333-336.

² Winthrop to Fitz-John Winthrop, June 24, 1706, *ibid.* v. 142.

³ Sewall's Diary, November 1, 1707: "After coming from Council I read the Book printed against the Governour in London. I had not seen it before." — *ibid.* 5th Series, vi. 197.

⁴ "We firmly believe and are of the opinion [that] The Allegations therein of the Governour's Trading or allowing a Trade wth Her Ma^{ty}s Enemies the French & the Indians in their Interest is a Scandalous and wicked Accusation, The contrary Alwaies being apparent to Her Ma^{ty}s good Subjects under his Governm^t, more especially to this Board, And in particular to the General Officers Attending his Exell^{ty} as Secretary and Commissary General. His Negotiations and Letters with the Agents or Messengers from the French Govern^t or Commanders of the Neighbourhood being from time to time laid before the Council and the Assembly when Sitting; And are very Sensible of his indefatigable Care and pains in a Vigorous & successful pursuit of the Enemy and Protection of her Ma^{ty}s good Subjects — Pass'd Unanimously." — *Massachusetts Archives* (Ms.), xx. 109. See also *Records of the General Court* (Ms.), viii. 318.

tion.¹ The Mather interest, which had been growing cold toward the governor and had been secretly against him, now became violently and openly hostile; and it was probably this interest that delayed the vote of vindication. The vote of the Council was passed November 1, and though three separate messages were sent to the House, nothing was done.² On the 10th, a conference took place in which the governor assured the House that the Council was unanimous for his vindication,³ and on the 21st the desired vote was passed.⁴ This was too much for Sewall. He had held a conference with one of the prisoners from which he inferred that the governor was at least aware of some illegal business. Sewall was a friend and admirer of Higginson, and he resented the manner in which the vote had been rushed through the Council. He therefore publicly withdrew his vote; "Not," he wrote, "that I Suspect the Governor designed to hurt the Province; But to gratify Grateful Merchants."⁵

This incident became the central theme of a new attack by the Mathers in a second memorial on the "Deplorable State of New England."⁶ Not only were they now confident that Dudley was privy to the trade, but they held that this retraction of Sewall's counterbalanced the "blanching process," as they termed the votes of confidence passed by the Court,

¹ Sewall's Diary, October 28, 1707; *Records of the General Court* (Ms.), viii. 325.

² November 4, 5, 6, 1707, *Records of the General Court* (Ms.), viii. 318-320.

³ *Ibid.* 332.

⁴ *Ibid.* 333. The original vote is in *Massachusetts Archives* (Ms.), xx. 109: "Voted That we firmly believe and are of the Opinion The Allegations . . . of the Governour's Trading or Allowing Vetch, Borland & Lawson to Trade with her Majesties Enemies, the French & Indians in their Interest is a scandalous and wicked accusation."

⁵ Sewall's Diary, November 25, 1707; *Massachusetts Archives* (Ms.), xx. 101.

⁶ London, 1708; reprinted in *Massachusetts Historical Society, Collections*, 5th Series, vi. 97*.

— votes which they now accused Dudley of procuring by intimidation and corrupt means. If this last charge be true, Dudley must have been a consummate politician; for he had obtained vindication not only from the Council, which was not altogether hostile to the Mathers, but from the House, which was more under their influence and in which sat Elisha Cooke, the governor's most consistent enemy. It is altogether improbable that such was the case; on the contrary, it is far easier to believe that the House passed the vote of vindication because it had no evidence of any complicity on the part of the governor. All that the enemies of Dudley could produce as the result of the most careful search was an invoice, publicly signed and witnessed, allowing Rouse to carry under a flag of truce some nails, knives, and provisions. There is no doubt that the privilege was abused, and that this innocent permission was made to cover commerce of a more doubtful nature; but the accusations of the governor's complicity were based on doubtful rumor and malicious suspicion.

Having thus gained official vindication from the General Court, Dudley prepared his defence for use in England. It is dated November 10, 1707, and is entitled "Colonel Dudley's Most humble Defense and Apology against Most Unjust and false Representations in an Address Offered to her Majesty at Windsor on the Twenty-third of June last past."¹ After reviewing the career of his father and his own previous service, he defends his war policy, showing that "Whereas in all former warrs with the French and Indians, her Maj^{ties} government had been always fain to purchase their Prisoners at Five Pounds a head or more, the s^d Dudley has forced them to Exchange prisoners without the least Ransome." He asserts as one of his merits that he has obtained information

¹ Public Record Office, *Treasury Papers* (Ms.), ciii. 61.

from his agents at Quebec and among the Indians, and thus has been able to forestall some of the Indian raids. As for his partnership with Vetch, "the Seizure," he says, "of his and his Partners Estates and Effects and Confiscating them to her Majesty, and his proceeding against them to fines to the value of Three thousand pounds; and Saving those Fines to her Maj^{ties} Disposal which was never before done in these her Maj^{ties} Provinces it is hoped will acquit him from partnership with them." Additional letters of defence and explanation were sent to the Board of Trade, Chamberlayne was supplied with material for his vindication, and a special petition was sent from the Reverend Solomon Stoddard and other ministers asking for Dudley's continuance.¹ Finally there appeared in London a pamphlet entitled "A Modest Enquiry into the Grounds and Occasions of a Late Pamphlet, intituled, A Memorial of the Present Deplorable State of New-England."² This was Dudley's answer to the first Mather pamphlet and his attempt to influence public opinion. The charges of the Mathers are taken up in detail and either ridiculed or answered one by one; and the pamphlet closes with copies of the numerous addresses from the merchants in Boston, the ministers of New England, and the officers of the militia. The whole reply is more temperate in tone and convincing in reasoning than the attack of the Mathers.

The Board of Trade believed Dudley's defence; for on its copy of his pamphlet is the endorsement: "May depend upon the Protection of the Board while he acts for Her Majestys Service."³ Chamberlayne and Blathwayt probably aided

¹ Board of Trade, *Papers, New England* (Ms.), 13, Q. 50, R. 64 and 66; *Entry Book*, 41, F. 84. *Treasury Papers* (Ms.), ciii. 61, 63, cv. 44.

² London, 1707; reprinted in Massachusetts Historical Society, *Collections*, 5th Series, vi. 65*.

³ Board of Trade, *Papers, New England* (Ms.), 13, R. 64.

him; and the Privy Council, after numerous delays and postponements, heard both sides by counsel and dismissed the charges as "frivolous."¹

Before this decision was rendered in England, the Mathers, smarting under the sense of defeat, addressed two violent letters to Dudley. Increase Mather accused him of murdering Leisler, of bribery, of planning to ruin the colony, of falsehood to the college, and, as a climax, declared, "It was a letter of my sons which you read to the King that inclined him to give you a commission & that the King thought that the letter had been mine." Cotton Mather, who had in a previous letter used figurative language referring to Dudley as of the tribe of Naphtali, "a mode of speaking used among gentleman of polite education," now descends to plain language. He admits that he supported Dudley before King William, but he thought that he had reformed. He accuses him of covetousness and bribery, of improper use of commissions, of intimidation of the Council and the House, and of intentionally sparing Port Royal at the time of the Church expedition in order to enjoy the illegal trade. "The whole affair of those grateful merchants," he declares, "will by degrees be brought to light." Dudley's reply was in the form of a joint letter which must have cut the Mathers to the quick. Little attempt was made to answer charges so wild and vague; but the governor gravely reproved both father and son, expressed astonishment that they should so forget their station, and hoped that soon they would come to their senses. Why had they remained silent so long? If he was a murderer now because of Leisler's execution, he was one at the time they were supporting him and urging his appointment. "Every one," he asserts, "can see

¹ *Register of the Privy Council* (Ms.), Anne, iii. 382, 389, 408, 477, 510; Luttrell, *Brief Historical Relation of State Affairs*, iv. 193, 260.

through the pretense & is able to account for the spring of these letters, and how they would have been prevented without easing any grievance you complain of.”¹

The final retort of the Mathers was contained in a pamphlet printed in London in 1708, after the Privy Council had dismissed the charges against Dudley.² The same accusations are brought forward again, the “blanching process” by which Dudley had gained the vindication of the Court is exposed, and Sewall’s withdrawal of his vote is given in full. The favorable addresses for the governor are scoffed at as coming from those dependent upon Dudley, and he is charged with overawing the Court. Besides being sharp and bitter in tone, the charges are so extreme and the language so violent that the pamphlet could have had little effect save on those who were already Dudley’s enemies. The very violence of the attack discounted the truth of the charges. Had the Mathers been content to charge Dudley with connivance at illegal trade, even though no legal proof had been brought against him and though the specific accusations had already been heard and dismissed, they might have strengthened suspicions concerning his honesty; but their wild accusations were supported by no satisfactory proof, and their charges were not believed. Careful study confirms the belief that these charges

¹ The correspondence between the Mathers and Dudley is to be found in Massachusetts Historical Society, *Collections*, 1st Series, iii. 126 *et seq.*; Marvin’s *Life and Times of Cotton Mather*, 350–353, and Wendell’s *Cotton Mather*, ch. x, both treat this episode. In this same year Dudley wrote to the Bishop of London, “I have served the Queen faithfully here and everybody that is disposed to peace and quietness say so publicly, but I cannot be at peace with Mr. Mather and his son, they pursue me Everywhere, I must bear it as well as I can.” — Society for the Propagation of the Gospel, *Letters* (Ms.), iv. 38.

² “The Deplorable State of New-England, by Reason of a Covetous and Treacherous Governour . . .” London, 1708; reprinted in Massachusetts Historical Society, *Collections*, 5th Series, vi. 97*.

were "frivolous," the last resort of a disappointed and defeated party.

Dudley was successful; but Ashurst, though admitting his defeat, did not relax his enmity. His next effort was to displace Dudley by Sir Charles Hobby, a man of notoriously loose morals, whose faults Ashurst well knew; "but," he wrote, "the earth must helpe the woman."¹ Sir Charles came over to Boston in 1708; but before the year was out he was won over to Dudley's party,² and Dudley was still in power, — perhaps, as Ashurst hints, because of the influence of the great Whig lords.³

Ashurst's adherents in America may have doubted his ability, for a movement was started to appoint a special agent for Massachusetts. The choice of the House fell upon Sir William Ashurst,⁴ the brother of Sir Henry. No selection save that of Sir Henry himself could have been so displeasing to Dudley, who threatened to refuse to sign the commission at one session of the Council, and raged and stormed when the bill was finally sent up. Nevertheless, he was forced to sign the bill and the instructions.⁵ At the same time he sent a letter to Sir William, trying to make his peace with him and win him to his side. Although Sir William refused the appointment, Dudley gained his end and made him his

¹ Ashurst to Winthrop, August 24, 1708, Massachusetts Historical Society, *Collections*, 6th Series, v. 173.

² Ashurst to Increase Mather, October 10, 1709: "I heare S^r Ch—— H—— is come into his interest" (*ibid.* 199).

³ Ashurst to Mather, February 17, 1709/1710: "But money & something else kept him in, which I dare not write you. What if y^e Whig Lords doe it?" — *ibid.* 215.

⁴ *Massachusetts Archives* (Ms.), xx. 127; *Records of the General Court* (Ms.), ix. 7.

⁵ Sewall's Diary, February 7, 1709/10; *Records of the General Court* (Ms.), ix. 7.

friend;¹ for at a later crisis he was supported with all the influence and interest that Sir William Ashurst could muster. Since Ashurst had refused the appointment, a new choice had to be made; and on the petition of the merchants in London the House elected Jeremiah Dummer, a native of Massachusetts.² Though opposing this appointment and wishing one of his friends, Henry Newman, to have the post,³ Dudley took care to win Dummer over to his side. In time he was successful, and Dummer, together with Sir William Ashurst, continued to support him as long as he remained in power.

Though Sir Henry Ashurst was agent for Connecticut, he took great interest in Massachusetts and believed it his mission to oppose Dudley; hence the appointment of a special agent for Massachusetts seemed a slur upon his abilities. The Mathers, moreover, reproached him with failure to carry out his plans in removing Dudley;⁴ and thus put upon the defensive, he organized one final attack. He had for his allies the Duke of Devonshire, Lord Sunderland, and Godolphin,⁵ a combination which seemed invincible. Dudley, however, had perfected his intrigues with Sir Charles Hobby, who, instead of opposing him, favored his continuance; so that the

¹ Dudley to Sir William Ashurst, November 15, 1710, *Correspondence between the Governors and Treasurers of the New England Company in London and the Commissioners of the United Colonies in America* (ed. J. W. Ford, London, 1897), 92.

² The petition is in *Massachusetts Archives* (Ms.), xx. 114; the vote of the Court, November 10, 1710, is in *Records of the General Court* (Ms.), ix. 87.

³ By direction of the governor the secretary informed the House that the governor recommended Henry Newman, Esq., "a gentleman of the Country now Resident in London and well known at Court to the Ministry" (*Records of the General Court*, ix. 83, November 9, 1710).

⁴ Ashurst to Increase Mather, May 10, 1710, *Massachusetts Historical Society, Collections*, 6th Series, v. 216.

⁵ In the same letter Ashurst writes: ". . . I answer, D—— had been out if the Duke of Devonshire had liv'd. My L^d Sund—— & L^d Treas—— promised me it; and that I should name whom I pleased to succeed."

witnesses against him found themselves confused and discredited, and, confronted by such a mass of favorable testimony, Sir Henry Ashurst concluded that "every body thinks him an excellent Gov^r save S. H. A."¹ This was the last attempt made by Ashurst to remove Dudley, and the last one made during the reign of Queen Anne. Throughout her reign, Dudley had kept his post by the means of his friends at court. With the accession of George I, however, new politicians gained the ascendancy, with whom Dudley did not have the same influence, and new and more formidable parties were formed in Massachusetts. To these new conditions Dudley had to give way.

The next attempt to supersede Dudley, resulting from these new conditions, had its origin in Massachusetts. The news of the death of Queen Anne was slow in reaching Boston. Not only was the official notice delayed until September 17,² but the proclamations and orders of the Board of Trade were still longer on the way, owing to the wreck of the sloop *Hazard*, which brought them.³ In the interim, the Council saw its opportunity to remove Dudley and to manage affairs itself.

It was a principle of English law that all commissions that were issued to run during "pleasure" were rendered void by the death of the sovereign granting them, unless continued by a proclamation of the successor. In 1708 an act was passed amending this principle, so that commissions were to run for six months after the demise of the sovereign unless cancelled by the successor. The charter of Massachusetts directed that in case of the absence or the death of the governor the administration should devolve upon the lieutenant-governor, or, in case of his incapacity, upon the eldest councillor. This

¹ *Ibid.* 219.

² *Council Records* (Ms.), vi. 251.

³ Massachusetts Historical Society, *Proceedings*, 2d Series, xv. 338.

rule was repeated in Dudley's instructions, and by his directions had been entered on the books of the Council, and a second time entered after the passage of the act of 1708.¹ On these directions the Council rested its attempt to oust Dudley from his position.

The General Court was in session when the news of the death of the queen reached Boston, and the king was proclaimed with considerable pomp.² The governor's friends, thinking this an auspicious time, attempted to get an address passed praying for his continuance; but the feeling against him because of his opposition to the Land Bank party was too strong, and the effort failed;³ and on October 2, the Court was prorogued until the 20th. On coming together after the prorogation it passed a necessary act for the removing of doubts as to the legality of the commissions, and also an act putting an end to the hopes of the Land Bank party.⁴ The Court, then, with the advice of the Council, dissolved.⁵ As yet no official proclamation from the king had been received in Boston. On the last day of December, Addington and Sewall had a conference during which Addington showed Sewall the letter of the queen concerning the devolution of the government.⁶ It is probable that other conferences were held and that plans were laid to supersede the governor on February 1, when the six months from the death of the queen should have expired. Sewall was slow to become convinced; for on January 12, when the measures were discussed in the Council, he moved for a postponement.⁷ On January 26, the governor tried to force an issue by proposing that his commission should run until the king's pleasure should be

¹ *Council Records* (Ms.), iii. 334, iv. 596.

² *Ibid.* vi. 256.

³ *Records of the General Court* (Ms.), ix. 414.

⁴ *Ibid.*

⁵ *Ibid.* 437.

⁶ Sewall's Diary, December 31, 1714.

⁷ *Ibid.* January 12, 1714/1715.

known.¹ This motion was voted down, Sewall voting with the rest because he perceived that the order was so worded as to tie the hands of the Council.² Matters were now at a deadlock, and a suspension of hostilities occurred until the five days left in January should expire.

On February 1 the Council sent a committee to the governor to inform him that, as the six months allowed by the act of Parliament had expired, it was the opinion of the Council that the government devolved upon itself unless he had received orders from England.³ Dudley replied that he had received no orders. Sewall then fell back on the charter and the instructions from the queen which directed the devolution of the government in case of the absence or the death of the governor. Dudley replied that he was neither dead nor absent, and "expressed an aversion to enter into discourse." The committee then returned and reported. Two days later, February 3, the Council voted "that the government should go to the oldest Councillor" and thus deposed the governor.⁴

Apparently the change was acquiesced in quietly by the people. The clergy were on the side of the Council, and prayed, not for the governor and lieutenant-governor, but for those who had the administration.⁵ The people in the towns were unusually angered against Dudley, and the leading men were in the Council and directed the change. Yet in spite of the lack of opposition and of the high character of the men composing the Council, its rule was inefficient. On February 4, the councillors issued a proclamation stating what they had done, and drew up an oath, which was taken by all.⁶ On the

¹ *Ibid.* January 26, 1714/1715; also *Council Records* (Ms.), vi. 304-305.

² Sewall's Diary, February 1, 1714/1715.

³ *Ibid.*

⁴ *Council Records* (Ms.), vi. 308-309.

⁵ Sewall's Diary, February 3.

⁶ *Council Records* (Ms.), vi. 312.

9th, they started a letter to the Board of Trade, but quibbled over its contents so that it was not sent until March 1.¹ Again they could not agree on the terms of a proclamation for a fast, and it was finally read only by Sewall's son. On February 9, they issued new commissions to the justices of peace and the officers. The governor's son, William Dudley, refused to receive his, saying that he already had one with a seal, and for this bit of pleasantry he was superseded.² In short, every question was argued and debated so much, and so little was done that the people were not all sorry when the rule of the Council came to an end.

Meantime Dudley and his friends were not idle. They issued an appeal in a pamphlet entitled "The Case of His Excellency the Governour and Council of the Province of the Massachusetts-Bay in New-England, truly stated,"³ which contained the best exposition of the position of both the governor and the Council. The governor held that, since the act of Parliament whereby the commissions were extended for six months contained no negative clause, as did the act extending the session of Parliament, his commission should run until it was superseded. Granting this interpretation of Dudley's, the Council had no ground on which to stand; but it held to the literal interpretation of the act, and maintained that, since six months had expired, his commission was thereby void. What would have been the outcome of these diametrically opposed views, it is impossible to say; but it is not probable that the governor would have been able to raise a party to

¹ *Council Records* (Ms.), February 9, 1714/1715; see also Massachusetts Historical Society, *Proceedings*, 2d Series, xv. 348.

² Sewall's Diary, February 18, 1714/1715; *Council Records* (Ms.), vi. 321.

³ Sewall first saw this pamphlet March 16, 1714/1715 (see his diary of that date). It is reprinted by Ford in Massachusetts Historical Society, *Proceedings*, 2d Series, xv. 356.

resist the Council. This fact he apparently recognized in the first instance; for, though protesting, he put no obstacles in the Council's way. The whole affair, however, was settled on March 19 by the safe receipt of a duplicate of the king's proclamation of November 2, 1714. By this proclamation all officers were to continue in the exercise of their duties until the king's pleasure was known; and therefore Dudley was restored to his position. He and his family enjoyed their triumph. March 29, Sunday, was the day on which the Council's proclamation for a fast was to be read; but the ministers had been informed, and the Council was denied the pleasure of hearing its official handiwork published from the pulpit. On the same evening Paul Dudley and William Dummer notified each member of the Council that the governor was coming to town on the following day, and that a Council meeting was called to hear the proclamation of the king. On the next day the governor, accompanied by two troops of horse and by his guards, came to Boston and resumed the power.¹ Volleys were fired and cheers given,² and the *News Letter* hints that the people were only too glad to welcome him back.

Thus ended one of the most curious constitutional complications in Dudley's administration. Without doubt he was right in anticipating the intention of the English government, which was clearly shown by the date of the delayed proclamation; but it is equally true that he had a very weak case in law.³ He himself seems to have recognized this from the first,

¹ Sewall's Diary, March 20, 1714/1715.

² *Council Records* (Ms.), vi. 334; Massachusetts Historical Society, *Proceedings*, 2d Series, xv. 353.

³ Nevertheless, Sir Edward Northey, attorney-general, was of the opinion that "twas a jest to think the Council right to take on them the Governm^t." — Sewall's Diary, January 2, 1719/1720.

for he made very little opposition or argument to the assumption of the power by the Council. The long interval of six weeks before his defence appeared is another indication of his doubt, and the whole "Case" is a rather labored though an able argument. The incident is interesting, moreover, as showing the attitude of the Council. Dudley had greater control over this body than over the House; some of the councillors were connected with him by marriage, most of them were his friends, and in the last session of the Court they had all supported him on the banking question. Their action, however, shows their extreme jealousy of the power granted to any governor, and their eagerness to take the power into their own hands. It is but another example of the independent spirit of Massachusetts that had been shown in a similar manner on the imprisonment of Andros and at the death of Bellomont.

Although Dudley was restored to power by the proclamation of the king, he enjoyed his triumph but a short time. His action in regard to the Bank party had offended a powerful interest, which sought in England to have him displaced and a more pliant governor appointed. His old friends and supporters were no longer in power, but had been replaced by another set of politicians, with whom he was unacquainted and who had no knowledge of him. Moreover, they had to provide for favorites of their own, whose claims were greater than any that Dudley could urge. To these new leaders the Land Bank party applied, and to Stanhope in particular. Its labors, however, met with opposition from both Dummer and Sir William Ashurst, both of whom used all their influence to keep Dudley in power and to check the plans of the Land Bank party. Their efforts were fruitless; for a new commission was issued to one of Stanhope's aides,

Colonel Burgess, and Dudley's long administration came to an end.

Although Dudley was removed from office, his career was not ended. He and his family had played too important a part in the political life of the colony to allow him at once to sink into obscurity; and his friends continued to employ his influence, while his enemies could not ignore the power of his supporters. In the interval between the publication of Burgess's commission and the arrival of Governor Shute, Lieutenant-Governor Tailer was acting governor. Although Tailer was a connection of Dudley's by marriage, there is no evidence that the two acted in harmony. On the contrary, the old governor did all he could to tie the hands of his successor, for in spite of the opposition of some of the Council, he pushed through an order proroguing the General Court.¹ This, however, did not prevent Tailer's activity in Council meetings, where, much to the anger of some of the old governor's feminine admirers, he occupied the chair from which Dudley had so long enforced his will.²

Plans were set in motion to reward Dudley by honoring his family. His son Paul was suggested as a possible candidate for lieutenant-governor,³ and for Sewall's position as one of the judges;⁴ but to no purpose. Dudley, however, occupied the place of an unofficial adviser to the Shute administration during the first days of its existence. Thus, Shute refused the invitation of the House of Representatives to lodge with Colonel Tailer, preferring to accept an invitation from Paul Dudley; and Joseph Dudley met, welcomed, and talked with

¹ Sewall's Diary, October 18, 1715.

² *Ibid.* January 5, 1715/1716.

³ Massachusetts Historical Society, *Collections*, 4th Series, ii. 308.

⁴ Sewall's Diary, February 8, 1617/1618.

the new governor before the ministers officially welcomed him at the town-house. These facts led some to fear that Shute would be a purely partisan governor, which "Deus avertat Omnem," piously wrote Sewall.¹ So, too, Dummer wished to assure "Roxbury" that he would be well represented to the ministry, and sought Dudley's good wishes, not his open aid, for that might injure Dummer's chances in certain quarters; rather would he have Dudley publicly oppose him, while evidently desiring the support of the members of the old governor's party.²

It is obvious that Dudley occupied a difficult position, and that in the unstable condition of parties caused by the activities of the Land Bank party he was alike sought and feared. He realized his position; for he wrote, "I think I have liv'd long enough,"³ and in the remaining four years of his life he took little public part in the political affairs of the colony. Though he lived at his home in Roxbury, he was a frequent and honored guest at private and public functions in Boston. He was one of the wealthy men of the colony, the head of a family which was as important as any in Massachusetts, and by the marriages of his children was connected with the Winthrops, Sewalls, Dummers, and other prominent families. His son was attorney-general of the colony, his son-in-law, William Dummer, was lieutenant-governor, and it is probable that in unofficial ways Dudley's influence had to be reckoned with, although there is no evidence of any public activity.

He died April 2, 1720, at the age of seventy-three, and was buried at Roxbury with considerable pomp, troops of horse

¹ Sewall's Diary, October 5, 1716.

² Massachusetts Historical Society, *Collections*, 5th Series, vii. 107.

³ *Ibid.* 4th Series, ii. 308.

from Boston and Roxbury acting as military escorts. On April 14, Dr. Colman preached a funeral sermon containing many sly comparisons with the patriarch Joseph, not wholly to the advantage of the late governor; and in the following number of the *Boston News Letter* there was an extravagant eulogy. By Dudley's will it is seen that, although a wealthy man, he made only one public bequest, but left the bulk of his property to his family, and chiefly to his eldest son, believing, as he once wrote, that it was the duty of an English gentleman to support his family.

NOTE

The last Will & Testament of Joseph Dudley of Roxbury Esq^o

~revoking all other Wills, & Dispositions of my Estate~I bequeath my Soul into the Hands of Almighty Gode, thro^t Jesus Christ my Lorde, in whom I trust for Eternal Life, & my Body to be decently buried wth my Father, at the Discretion of my Executors My temporal Estate, I dispose in Manner following~I give to Rebeckah my dear Wife, my Servants, Household Goods, Plate, and Two hundrede Pounds in Money, to be at her own Disposale in her Life Time, or at her Death amongst her Children~And if she dye without any such Disposal then what is left thereof, to be equally divided amongst the Children~I also give my Dear Wife, my Mansion House, (or what part of it she pleases to use) & Gardens for her Life, & one hundred Pounds ꝑ Annum to paid Quarterly, in equal Portions, for her Support, during her Life, to be paid by Paul Dudley, my Eldest Son, out of y^e Issues, & Rents of my Estate, herein given him.~I give to my Son William Dudley, my New Farm in y^e Woods, in Roxbury conta^s One hundred & Fifty Acres more, or less, with y^e Woodland there purchased of Devotion Crafts, & others, from whence he shall annually supply & bring home to his mother, her Firewood, during her Life~I also give him my Farm of One Thousand Acres at Manchaag,

& Three hundred Pounds toward building him an House ~ I have already by y^e Favour of God, disposed in Marriage my four Daughters, Sewall, Winthrop, Dummer, & Wainwright, & paid them what I intendede ~ I further give each of them, one Thousand Acres of Land to be equally taken out of my six Thousand Acres, in the Town of Oxforde, & to my Nephew Daniel Allin, & my Niece Ann Hilton, Five hundred Acres out of y^e same Dividende, to be equally dividede between them, All these Lands to descend to y^e Children Severally, & the Heirs of their Bodies ~ I further give to my four Daughters One hundred Pounds each, to be laid out in what they please, in Remembrance of their Mother, & to my Niece Ann Hilton, Forty Pounds, to be paid, at age or Marriage ~ Further if by y^e Providence of God my Daughter Wainwright fall a Widow, or her Husbande uncapable of Business, I give her Twenty Pounds ^{per} Annum to be paid her, in equal Portions by her two Brothers, during her Widowhoode, or his Incapacity for Business. To my Eldest Son Paul Dudley I give the Inheritance of all my Houses, & Lands, in Roxbury, Oxforde, Woodstock, Newtown, Brookline, Merrimack, or elsewhere, all my Stock, Debts, Money, & all y^e Estate belonging to me whatsoever, except as above, he paying all my just Debts, Legacys, & Funerale Charges, & his Mothers Annuity as above sett down. ~ And my Will is that my Lands descende to my Heirs after the manner of Englande forever to the Male Heirs first, & after to y^e Females. If either of my Sons dye without Male Issue, his Brother & his Male Issue shall inherit y^e Lands herein bequeathed. I give to the free School in Roxbury, Fifty Pounds, to be put out to use, or to purchase Land to assist y^e Support of a Latin Master by y^e [—] of y^e S'd Schoole from Time to Time. This & other Legacys in this Will to be paid in that w^{ch} passeth for Money, in this Province.

I ordain my well belovede Wife, Paul Dudley, & William Dudley, Exec^r of this my last Will, & do most humbly refer my dearest Wife, & Children to the Grace of Gode, commending them to live in the Fear, & Service of Gode, with Duty toward their Mother, & sincere Affection toward each other.

I give to y^e Rev^d M^r Walter, M^r Thair, M^r William Williams of

Weston, M^r Ebenezer Williams of Pomfret, to each Forty Shillings
for a Ring.~

Dated Oct^o 27th 1719

J Dudley & a Seale

Publish^d in Pres^{ce}. of Penn Townsend, Benj^s Gambling, Abijah Weld.

Exam^d ꝓ John Boydall Reg.

from y^e original Will

A true Copy ^ from y^e original Will Exam^d ꝓ Jn^o Cotton Reg^r.

CHAPTER X

THE MOTIVES OF DUDLEY'S ACTIONS

THE lives of the second generation of the Massachusetts rulers fell in a peculiarly unheroic age. Compared with the era of self-sacrifice and adventure which had accomplished the foundation of the colony, and the period of strife and war which resulted in the separation from England, the years from 1660 to 1720 seem dull and uninteresting. Nor did the character of Dudley and his contemporaries rise to the grandeur either of the early settlers or of the Revolutionary leaders. The men of the early eighteenth century lacked the self-sacrifice and almost stubborn opposition to England which characterized Winthrop and his associates, and they also lacked the singleness of aim and the devotion to Massachusetts which distinguished Otis and Adams. They reflected in Massachusetts more clearly than did the men of any other time the thoughts, the life, and the methods of the English politicians. The problems they had to face were neither those arising from privation or persecution, nor those resulting from oppression which might occasion rebellion. Their property and estates were protected, their trade and wealth were increasing, their peculiar religious opinions were tolerated, and they enjoyed a large share in the government. They had to meet an English policy which, consistently pursued, would result in closer union and dependence upon the mother country. To such problems, until the colonists could convince themselves that they had the right to differ from England and

to separate from her, but one answer could be given, the answer which Dudley and his fellow-thinkers gave, — obedience to England and acceptance of her control.

By inheritance and training, Dudley belonged to the ruling class. His strong feeling for prerogative, local or imperial, in no sense exceeded that displayed by John Winthrop and Thomas Dudley, the first governors of Massachusetts. The leaders of the New England immigration had come to Massachusetts to found and rule a community as they saw fit; and Joseph Dudley was never more conscious of his privileges, powers, and responsibilities as a member of the ruling class than were they. As a young man he had rendered his service to the colony as an executive and leader; as an Assistant, a commissioner of the New England Confederation, and an Indian negotiator he was more often called upon to execute, lead, and direct the opinions of the General Court than to follow them. His friends, his family, and he himself sought to be the guides and rulers of Massachusetts, and as such were accepted by the people. When under changed conditions England tried to increase her power over the colonies, and when trade and wealth brought new ideas to them, Dudley, Stoughton, and Winthrop the younger still sought to remain leaders of the community which their fathers had founded. All desired place and honor under the crown, and all accepted royal commissions upon the dissolution of the government; under the new charter Stoughton served as lieutenant-governor, while Winthrop was the unsuccessful rival of Dudley. Dudley's very success aroused envy and jealousy, which his frank acceptance of the policy of England did not diminish, and which his personal character greatly intensified.

The policy that Dudley sought to enforce was one which

would have been most beneficial to England and the colonies as a whole, but it was one which Massachusetts and the other colonies most distrusted. It was natural that his insistence upon the prerogatives of his office should anger the colonists, though his acts were in obedience to the instructions of the Board of Trade. To Dudley the navigation system and the commercial policy of Great Britain were of more importance than the trade of Massachusetts, and he sought to enforce English law despite the dissatisfaction of the colonial merchants; yet he was keenly alive to the economic needs of Massachusetts, and in frequent letters urged the Board of Trade to encourage her industries. His military policy included all New England; and his plea for the fortification of the frontier posts and demand for the command of the militia of Connecticut and Rhode Island, though plans which aroused opposition in the colonies, had been proposed by the English authorities. To Dudley the union of all New England seemed more important than the sacred charters of Rhode Island and Connecticut; and, although the spirit of local patriotism defeated his project, his plan had the approval of the English statesmen. England had sought in vain to impose this policy upon the colonies since the days of Andros. The rough sea-captain, Sir William Phips, though a popular hero, failed to satisfy the colony and the crown alike. Lord Bellomont, though personally popular, was not more successful in pleasing both the colonists and his superiors. No royal governor could enforce the English policy and teach the colonists to allay their prejudices and feel a pride in their dependence upon England.

But Dudley's personal character was not such as to invite confidence. His methods were not always straightforward, or his conduct open and frank. In his early life he would

“cringe and bow” to gain a friend; but when his object was gained he would sacrifice that friend if his ambition required it, as Randolph and the Mathers learned. He had all the selfishness of a British politician of the eighteenth century: he was pliant to his superiors, harsh and overbearing to his inferiors, willing to use all means, even bribery, to gain the support of an influential man, and ready to misuse every advantage that his official position gave him to take revenge upon an enemy. He was ambitious, self-seeking, and facile; and could serve for his own ends sovereigns so dissimilar as James II, William III, and Anne. Believing that his own interests lay with the official party in England, he identified himself with it, and thus sacrificed his popularity at home. His services, moreover, were efficient, and he gave satisfaction to his superiors, whose policy, whatever it was, he was ready to carry out.

With such a character and such aims he could not but be hated in the colonies; and the hatred that attached to his name was deeper and more consistent than fell to the lot of any other man. From 1682 to 1715 it is doubtful whether, outside of his own party and those who were bound to him by fear, interest, or gratitude, a single well-wisher could be found for him in all New England. He was mobbed in the revolution of 1689, his house was threatened in 1707, and personal violence was offered him on at least two other occasions. Neither Winthrop nor Stoughton, who in many ways sympathized with his aims, was so ill regarded; it was Dudley's personal character and the success which attended most of his plans that made him so much more unpopular than any of his contemporaries. Even to his friends, his greatest fault was his ambition. He loved power for its own sake and for the increased influence it would give him. To gain it he attached

himself to the party favoring English influence, and was ready to sacrifice his popularity in Massachusetts by accepting the commission as president of the Council in 1685. To keep his power and to gain the support of the ruling class in England, he consistently worked to carry out the policy of the English government, and, as it seemed to the colonists, to sacrifice their best interests. To be sure, he was ambitious for Massachusetts; he wished it to be a loyal colony, ready and willing to support England on every occasion, and similar to the mother country in all ways. He wished Massachusetts to be prosperous, to stand well financially, and to be a model for the other colonies. Whenever the local prejudices of the colonists coincided with the aims of the English government, he sympathized with them and favored them; but, when they were opposed to the policy of England and to his ambition, he forgot that he was a New Englander and became a royal official looking only to the advancement of the interests of the crown.

Dudley in many ways became an Englishman. He had made three visits to England, had lived there for over thirteen years, and was deputy-governor of the Isle of Wight nearly as long as he was governor of Massachusetts. He was admitted into English society and was popular there; he was a frequently consulted member of the Society for the Propagation of the Gospel in Foreign Parts, and a candidate for the Royal Society; he served in Parliament and was consulted by the secretaries regarding colonial affairs. For nearly thirty-five years he was an English official of some sort, striving to enforce the ideas of the crown. Thus it is not strange that he should have lost somewhat the point of view of a colonial leader, and have identified himself with the ruling class in England.

It was part of his ambition to be regarded as an English gentleman. He sought to increase his estate and to leave a patrimony sufficient to support his family in the style which he thought due to one of his position. It has already been seen that while he was in England he feared that his estates would suffer and that he would fall into contempt and poverty; but while he was governor he so increased his fortune that he was an object of envy and suspicion to the colonists. He gave his eldest son, Paul, a legal education in England, and solicited his appointment as attorney-general, secretary of the Council, and lieutenant-governor. He saw that his children married into wealthy and influential families, thus increasing the importance of his own. To English travellers coming to Massachusetts he was always courteous and ready to put himself at their disposal, and thus passed for one of the prominent and popular men in the colony. At the close of his life this social ambition was gratified; for, when the struggles of his administration were over and their bitterness somewhat forgotten, he regained much of that popularity which must have been his in his early days.

To judge Dudley's career by the accusations of his enemies would be manifestly unfair. To judge him in the light of the twentieth century, when the colonies have become independent, would be equally unfair. As has been said, his life fell in the middle period, when dependence on England was diminishing and independence was not yet possible. From his training and his methods of thought he was a legalist, and, always taking a lawyer's point of view, could see in the action of Massachusetts only illegal and revolutionary attempts that ought to be checked. Thus he threw himself into the struggles and conflicts as an English official, and as such he should be judged. Though his character was lacking in greatness, and

his actions were often tainted by self-seeking, though his aims were those of an English official and his ideals opposed to those of his fellow-colonists, his long career proves him to have been capable as an administrator and efficient as a servant of the crown.

APPENDIX A

ROYAL COMMISSION TO JOSEPH DUDLEY, GOVERNOR OF THE PROVINCE OF MASSACHUSETTS BAY IN NEW ENGLAND, APRIL 1, 1702

PATENT ROLL

No. 3424.

1 Anne.

(No. 8.)

Transcript.	De concessione Dudley Armigero. Commissio	}	Anne by the Grace of God etc., To our Trusty and Welbeloved Joseph Dudley Esquire Greet-
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ing. Whereas our late Royal Brother and Sister King William and Queen Mary of Blessed Memory by their charter under their Great Seale of England bearing date the seaventh day of October in the third yeare of their Reigne Have united Erected and Incorporated the Colony of the Massachusetts Bay the Colony of New Plymouth the Province of Main in New England the Territorie of Accadie or Nova Scotia and the landes lying between the said Territorie of Nova Scotia and the Province of Main aforesaid into one real Province by the name of the Province of the Massachusetts Bay in New England and have thereby granted to Our loveing Subiects the Inhabitants of our said Province or Territory of the Massachusetts Bay in New England and their Successors That there shall be a Governor a lieutenant Governor and a Secretary of our said Province and Territory to be from time to time appointed and comissionated by us or Heires and Successors With severall Priviledges Franchises and Immunities

[7 Oct. 1691.]

thereby granted to our said loveing Subjects Wee therefore Reposeing especiall Trust and confidence in your Prudence Courage and loyalty out of our especial Grace certaine Knowledge and meer mocion Have thought fitt to Constitute and appoint And by these presents Doe Constitute and appoint you the said Joseph Dudley to be our Captaine Generall and Governor in chiefe in and over our said Province of the Massachusetts Bay in New England And for your better Guidance and Directions Wee do hereby Require and Command you to doe and execute all thinges in due manner that shall belong unto the Trust Wee have reposed in you according to the several Powers and Authorities mencioned in the said Charter and in these Presents and such further Powers and Instruccions and Authorities as you shall receive or Which shall at any time hereafter be granted or appointed you under our Signe Manual and Signett or by order of Our Privy Councill in Pursuance of the said Charter and according to such reasonable laws and statutes as are now in force or Which hereafter shall be made and agreed upon in such manner and forme as by the said charter is directed And Wee do hereby give and Grant unto you full power and Authority Where you shall see Cause and shall Judge any Offender or Offenders in Capitall or Crimenall matters for any Fines or Forfeitures due unto us fitt Obiects of our Mercy to Pardon all such Offenders and to Remitt such Fines and Forfeitures Treason and Wilfull Murder only Excepted In Which Cases you shall likewise have power upon extraordinary Occasions to grant Repreives to the Offenders therein To the end and untill our pleasure shall be further Knowne And Wee Doe hereby Give and Grant unto you the said Joseph Dudley by your selfe your Captaines and Commanders by you to be authorized full

Power and Authority to levy Arm Muster Command or employ all persons whatsoever resideing Within our said Province and Territorie of the Massachusetts Bay in New England and as occasion shall require them to Transferr from one place to another for the resisting and Withstanding of all Enemies Pirates and Rebels both at land and Sea and such Forces With their owne consent or With the Consent of our Councill and Assembly to Transport to any of our Plantacions in America as occasion shall require for the Defence of the same against the Invasion or attempts of any of our Enemies and such Enemies Pirates and Rebels if occasion shall require to pursue and prosecute in or out of the limits of our said Province or any part thereof And if it shall soe please God them to vanquish apprehend and take and being taken either according to law to put to death or to keepe and preserve alive at your discretion Wee do further give and Grant unto you full power and Authority to Erect raise and build Within our Province and Territory aforesaid such and so many Forts Platformes Castles and Fortifications as you shall judge necessary and the same or any of them to fortify and furnish With Ordnance Amunition and all sorts of Armes fit and necessary for the Security and defence of our said Province and from time to time to committ the Government of the same to such Person or Persons as to you shall seeme meet And the said Forts and Fortifications againe to demolish or dismantle as may be most convenient and to doe and execute all and every other thing Which to a Captaine Generall doth or ought of Right to belong as fully and amply as any other our Captaine Generall doth or hath usually done according to the Powers hereby granted or to be granted to you And Wee Doe hereby give and Grant unto you the said Joseph Dudley full

power and Authority to Constitute and appoint Captaines Masters and other commanders of Shipps and to grant unto such Captaines Masters and other Commanders of Shipps Commissions to execute the Law Martiall dureing the time of Actuall Warr Invasion or Insurreccion and to use such Proceedinges Authorities Punishments Correccions and Executions upon any Offender or Offenders Which shall be mutinous seditious disorderly or any Way unruly either at Sea or during the time of their abode or Residence in any of the Ports Harbors or Bays of our said Province and Territorie as the Cause shall be found to require according to Martiall law during the time of Warr as aforesaid Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold Plea or have Jurisdiccion of any Offence Cause matter or thing committed or done upon the High Sea or Within any of the Havens Rivers or Creeks of our said Province or Territories under your Government by any Captain Commander lieutenant Master or other Officer Seaman Soldier or Person Whatsoever Who shall be in actuall Service and pay in and on Board any of our Shipps of Warr or other Vessells Acting by Immediate Commission or Warrant from our High Admirall of England now and for the time being under the Seale of our Admiralty or from our Commissioners for executing the Office of our High Admirall of England for the time being But that such Captaine Commander lieutenant Master Officer Seaman Soldier or other Person soe Offending shall be left to be proceeded against and Tryed as the meritt of their Offences shall require either by Commission under our Great Seale of England as the Statute of the Eight and twentieth of Henry the Eighth directs or by Commission from our High Admirall of England now and for the time being or from our com-

missioners for executing the Office of our High Admirall of England for the time being according to the Act of Parliament passed in the thirteenth yeare of the Reigne of our Dearest uncle King Charles the second of blessed memory Entituled An Act for the Establishing Articles and Orders for the Regulateing and better Government of His Majesties Navy Shipps of Warr and forces by Sea and not otherwise Saveing onely that it shall and may be lawfull for you upon any such captaine or commanders refusing or neglecting to execute or upon his negligent or undue Execucion of any the Written Orders he shall receive from you for our Service and the Service of our said Province and Territorie to Suspend him the said Captaine or Commander from the Exercise of his said Office of Commander and committ him into safe Custodie either on Board his owne Shipp or elsewhere at your own discretion in Order to his being brought to Answer for the same by Commission either under our Great Seale of England or from our High Admirall of England now and for the time being or from our Commissioners for executeing the Office of our High Admirall of England for the time being as is before expressed In Which case our Will and pleasure is That the Captaine or commander so by you suspended shall during such his suspencion [*sic*] and Committment be succeeded in his said Office by such commission or Warrant Officer of our said Ship appointed by our High Admirall of England now and for the time being or by our Commissioners for Executeing the Office of our High Admirall of England for the time being as by the Known Practice and Discipline of our Navy do's and ought next to Succeed him as in case of death Sicknesse or other ordinary disability happening to the commanders of any of our Shipps of Warr and not

otherwise you standing also accountable to us for the Truth and Importance of the Crimes and misdemeanors for Which you shall soe proceed to the suspending of such our Captaine or Commander Provided also That all disorders and misdemeanors comitted on Shore by any Captaine Commander lieutenant Master or other Officer Seaman Soldier or person Whatsoever belonging to any of our Shippes of Warr or other vessells Acting by immediate commission or Warrant from our High Admirall of England now and for the time being under the Seale of our Admiralty or from our Commissioners for executeing the Office of our High Admirall of England for the time being may be tryed and punished according to the laws of the Place Where any such Disorders Offences and Misdemeanors shall be soe comitted on Shore notwithstanding such Offender be in our Actuell Service and in our pay on board any such our Shippes of Warr or other vessells acting by immediate Commission or Warrant from our High Admirall of England now and for the time being or from our Commissioners for executeing the Office of our High Admirall of England as aforesaid Soe as he shall not receive any Proteccion for the avoiding of Justice for such Offences committed on Shore from any pretence of his being employed in our Service at Sea And further our Will and pleasure is that you shall not at any time hereafter by colour of any power or Authority hereby granted or mencioned to be granted take upon you to give grant or dispose of any Office or Place Within our said Province and Territories Which now is or shall be granted under the Great Seale of England any further then that you may upon the vacancy of any such Office or Suspencion of any Officer by you put in any person to Officiate in the Intervall untill the said place

be disposed of by us our Heires or Successors under the Great Seale of England or that our Direccions be otherwise given therein And Wee do hereby require and Command all Officers and Ministers Civil and Military and all other the Inhabitants of our said Province and Territorie to be obedient aiding and assisting unto you the said Joseph Dudley in the Execucion of this our Commission and of the Powers and authorities therein contained And upon your death or absence out of our said Province and Territories To our Lieutenant Governor of our said Province And upon such your death or absence and the death or absence of our said lieutenant Governor to our Councill of our said Province and Territory for the time being To Whom Wee do by these Presents Give and grant all and singular the Powers and Authorities hereby granted unto you to be by him or them respectively exercised and enjoyed untill the Returne of you our Governor or of our lieutenant Governor or the Arrivall or Constitution of such other Governor as shall be thereupon commissioned and appointed by us And our Will and pleasure is That you the said Joseph Dudley shall and may hold execute and enjoy the Office and place of our Captaine Generall and Governor in chief in and over our said Province and Territories of the Massachusetts Bay in New England With all and singular the Powers and Authorities hereby granted unto you for and dureing our Will and pleasure And Whereas there are divers Colonies adjoyning to our Province of the Massachusetts Bay for the Defence and Security Whereof it is requisite That due care be taken in the time of Warr Wee have therefore thought it further necessary for our Service and for the better Proteccion and Security of our Subjects inhabiting those parts to Constitute and appoint and Wee doe

by these presents Constitute and appoint you the said Joseph Dudley to be our Captaine Generall and commander in chiefe of the Militia and of all the Forces by Sea and land Within our Colonies of Rhode Island and Providence Plantacion and the Narraganset Country or Kings Province and of all our Forts and places of Strength Within the same And for the better Ordering Governing and Ruleing of our said Militia and all our Forces Forts and places of Strength Within our said Colonies of Rhode Island and Providence Plantacion and Narraganset Country or Kinges Province Wee do hereby give and Grant unto you the said Joseph Dudley and in your absence to our lieutenant Governor or Commander in Cheif of our Province of the Massachusetts Bay all and every the like Powers as in these presents are before granted and recited for the Ruleing Governing and Ordering our Militia and all our Forces Forts and places of Strength Within our Province of the Massachusetts Bay to be exercised by you the said Joseph Dudley and in your absence from our Territory and Dominion of New England by our said lieutenant Governor or Commander in Cheife of our said Province of Massachusetts Bay for the time being Within our said Colonies of Rhode Island and Providence Plantacon [*sic*] and the Narraganset Country or King Province for and dureing our Pleasure And lastly We have determined and made void and by these presents do determin and make void the like Commission or letters Patents under the Great Seale of England bearing date at Westminster the thirteenth day of February now last past granted by our said late Royall Brother King William the third unto the said Joseph Dudley In Witnesse etc. Witnesse our selfe at Westminster the first day of April.

[13 Feb. 170 $\frac{1}{2}$]
(See Patent
Roll. 14 Will.
III. No. 2.)

[1 Apr. 1702.]

By Writt of Privy Seale.

APPENDIX B

LIST OF AUTHORITIES CITED

THE longest and most important account of Dudley's life is to be found in Palfrey's *History of New England*, where his two administrations are treated at length and in detail, but with evident bias. A more modern and better-tempered account of his administration as governor is in Doyle's *English Colonies in America*. The chief printed American sources for Dudley's career are to be found in the laws and records of the several colonies with which he was connected, and in the collections of the various historical societies. Of these the *Collections* and *Proceedings* of the Massachusetts Historical Society are the most important, yielding the Sewall *Diary* and *Letter-Book*; the invaluable pamphlets on the "Deplorable State of New-England"; the *Winthrop Papers*, including as they do many of Dudley's own letters and the letters of Sir Henry Ashurst and John Chamberlayne; the records of Dudley's Council of 1686; and the Council records for the period in 1715, when the Council superseded the Governor. In the *Andros Tracts* and Toppan's *Edward Randolph* the Prince Society furnishes valuable material for the early period; and the American Antiquarian Society prints the *Andros Records*.

The American manuscript sources are numerous and rich. The *Massachusetts Archives* alone contain 273 volumes of invaluable manuscripts, most of which were used by Palfrey, and many of which are printed in the *Massachusetts Acts and Resolves*. The *Journals of the General Court* and the transcripts of the *Records of the Council* are in manuscript at the Massachusetts State House. The *Diaries of Cotton Mather*, about to be published, are in manuscript at the American Antiquarian Society.

The chief printed sources for English material are the *Calendars*

of *State Papers*, which unfortunately do not cover the period of Dudley's administration as governor, and the two volumes of the *Acts of the Privy Council*, which were not published at the time this investigation was made. The manuscript sources for English material are rich and varied. The collections of manuscripts at the British Museum and the Bodleian Library, Oxford, furnish some interesting personal material. The manuscript *Journals* of the Society for the Propagation of the Gospel in Foreign Parts, of which Dudley was a member, give information on one phase of his career; and the numerous volumes of *Letters* of the Society's missionaries throw interesting sidelights on his character. The references in the foregoing pages to the *Register of the Privy Council* are to the manuscript volumes at the Privy Council Office. Most important of all are the invaluable collections of the Board of Trade at the Public Record Office, London. Here are the manuscript *Journals* of the Board of Trade, the *Colonial Entry Books*, and, most interesting of all, the *Original Papers* containing the original letters and documents sent by the colonial officials to the Board of Trade. Abstracts of these have been printed in the *Calendars of State Papers* for the early portion of Dudley's career; but for his administration as governor of New Hampshire and Massachusetts it is necessary to depend upon the original manuscripts.

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INDEX

- ACADIA, 101, *see also* Port Royal.
- Addington, Isaac, secretary of Council, plans to supersede Dudley, 194.
- Albany, merchants supply Indians with arms, 115; gives Dudley information concerning Indians, 130.
- Allen, Reverend John, marries widow of governor Thomas Dudley, 2.
- Allen, Samuel, becomes part proprietor of New Hampshire, 140.
- Allen, Thomas, suit against Waldron, 142, 143; signs petition for Dudley's removal, 182.
- Allyn, [Allen] John, secretary of Connecticut, added to Andros's Council, 41.
- Andros, Sir Edmund, Dudley's petition for land referred to, 37; commission, 40-42; character, 43-44; arrival at Boston, 44; Council, 44; method of raising revenue, 46-48; regulation of towns, 49-50; question of land titles, 50-51; deposed, 52; policy, 55-56; defence of frontier, 93-94; accused of furnishing arms to Indians, 115; mentioned, 29, 39, 60, 61, 100, 134, 135, 153, 167.
- Anne, Queen of England, commissions from, to Dudley, as governor of the province of Massachusetts Bay, 75, 211; New Hampshire, 134; to command the forces of Rhode Island and Connecticut, 135; directions to the General Court, 95, 96; proclamation concerning coins, 158; death, 193.
- Appleton, John, tried by Dudley, 48.
- Ashurst, Sir Henry, opposes Dudley in the reversal of the Leisler attainder, 67; opposes the appointment of Dudley, 74, 75; defence of the charter of Connecticut, 153-155; enmity to Dudley, 176; attempts to have Dudley removed, 181, 191-193; letters to Winthrop, 144, 181, 182; mentioned, 66, 68, 74, 90, 147.
- Ashurst, Sir William, elected agent for Massachusetts but declines, 191; won over to Dudley's party, 192; supports Dudley, 174, 198.
- BAPTISTE, —, prisoner, negotiations for, 113, 114.
- Barbadoes, Queen's proclamation, 159.
- Bayard, Nicholas, member of Council for New York, 61, 62.
- Bellomont (Richard Coote), earl of, governor of New York and Massachusetts, appointed governor of Massachusetts, 69; death, 75; administration in Massachusetts, 79; mentioned, 73, 85, 94, 95, 100, 134, 175, 206.
- Bills of Credit, first issued in Massachusetts, 159-160; during Dudley's administration, 161-164.
- Blackwell, John, plans for a bank, 166-168.
- Blathwayt, William, member of the Board of Trade, 6; clerk of the Privy Council, 9; Dudley introduced to, 14; character, 57-58; influential in drawing up charter for Massachusetts, 76; aids Dudley, 58, 65, 67, 76, 85, 100; activity for Dudley, 180-181.
- Board of Trade, established, 6; instructions to Dudley, 80, 81, 90, 93, 96, 97; recommendations concerning Connecticut and Rhode Island, 148, 149, 150; instructions to Usher, 137; investigates charges against Dudley, 184; Dudley's reports to, on military affairs, 87, 119; council, 88, 89; fortifications, 95; failure at Port Royal, 123; trial of Vetch, 132-133, note; abortive expedition of 1709, 125-126; land titles in New Hampshire, 141; affairs in Connecticut and Rhode Island, 144, 148, 150; Dudley's defence before, 187-188.
- Boston, town meeting condemns Dudley, 17; castle at, 30, 106, 107; mentioned, 3, 24, 44, 68, 75, 103, 105, 112, 124, 125, 127, 128, 170, 193, 200.
- Bourland, John, tried for illegal trade, 116, note, 184.
- Boyne, battle of, 65.
- Bradstreet, Anne, sister of Joseph Dudley, 3.

- Bradstreet, Simon, marries Anne Dudley, 3; praised by Randolph, 10; letter from Dudley concerning *quo warranto*, 15; condemned by Boston town-meeting, 17; named one of Dudley's council, 1686, 28; declined, 28, note; letter to Dudley advising him to go to prison, 52-53.
- Bulkeley, Peter, chosen agent to England, 11; instructions to, 11-12; condemned by Boston meeting, 17; member of Dudley's council, 1686, 29; member of Andros's council, 44, 45.
- Burgess, Elizeus, appointed governor of Massachusetts, 174; mentioned, 199.
- Burril, John, speaker of House of Representatives, pamphlet addressed to Paul by Dudley, 172-173.
- CAMBRIDGE COMMON, Randolph petitions for, 50.
- Canada, plans to conquer, 101, 105, 119, 124; war parties from, 102; mentioned, 109, 115, 131, 160.
- Canterbury, archbishop of (William San-croft), letter from Randolph concerning Dudley, 33-34.
- Casco, conference with Indians at, 108.
- Casco Bay, treaty of, 109; expedition re-tires to, 122.
- Castine, Church expedition conquers, 111.
- Chamberlayne, John, aids Dudley, 72, 180, 188; character, 180.
- Champernowne, Francis, member of Dud-ley's council of 1686, 29.
- Charles I, King of England, appoints com-mittees of Privy Council for colonial trade, 5.
- Charles II, King of England, appoints Lords of Trade, 6; plans for Maine, 12; agents attempt to bribe, 15; proceedings against charter of the Massachusetts Bay Company, 12; death, 24.
- Charles II, King of Spain, death of, 100.
- Church, Benjamin, expedition against Port Royal, 110-112; mentioned, 119.
- Church of England, members to be toler-ated in Massachusetts, 30; establish-ment of services of, 32-34; Dudley conforms to, 66; missionaries of, 81.
- Commission of 1664, to investigate the conduct of Massachusetts, 8, 10.
- Connecticut, joined to jurisdiction of An-dros, 41; opposes plans of Privy Council, 68; government of, 77, 78, 88; refuses aid asked for by Dudley, 120; Dudley given command of troops, 135; Dudley's military policy offends, 139, 140; gives aid to Massachusetts, 143, 144; objects to Dudley's command of troops, 145; Mohegan Indian case, 146-147; attack on charter of, 151-155; mentioned, 29, 80, 101, 110, 134, 143, 176, 192, 206.
- Cooke, Elisha, leader of the party opposed to Dudley, 14, 81, 82, 178, 187; agent for Massachusetts, 57, 76, 77; opposes the Mathers, 74; refused admission to governor's council, 89.
- Cornbury (Edward Hyde), Lord, opposes Dudley's plan for utilizing the Iroquois, 103, note; warns Dudley of impending Indian raids, 109; governor of New York, 134; conciliated by Dudley, 153; suggested as governor for Massachusetts, 181, note.
- Council for the Territory and Dominion of New England (Dudley's council of 1686), established, 27, 28; powers of, 29, 30; address to the king and letter to the Lords of Trade, 32; activity of, 31-33; Court of Assistants, Dudley elected member of, 3; character of, 5; Randolph on, 10; Dudley dropped from, 18, 25; compared with Dudley's council, 30; mentioned, 29, 30.
- Courtemanche, Sieur de, negotiates for ex-change of prisoners, 113-114.
- Cox, Daniel, partner of Dudley and Stough-ton, 58; offers to make Dudley deputy-governor of West New Jersey, 59.
- Cranston, Samuel, governor of Rhode Is-land, opposes Dudley's taking command of the militia, 148; commissions priva-teers, 150.
- Cutts, John, baron, patron of Dudley, 65, 67, 180; appoints Dudley deputy-gover-nor of Isle of Wight, 69; letters to Dud-ley, 70, 71; urges Dudley's appointment, 75, 100.
- DANFORTH, THOMAS, member of party opposed to Dudley, 14, 22; removed from office, 30; mentioned, 26, 36, 52.
- Deerfield, attacked, 109.
- Dellius, Reverend Godfrey, missionary, 73, 75.
- Denison, Daniel, major-general, marries Patience Dudley, 3; Randolph's opin-ion of, 10.
- Devonshire (William Cavendish) duke of, opposes Dudley, 192.
- Dongan, Thomas, resigns as governor of New York, 41; mentioned, 60, 61.

Dorchester, 49.

Dudley, Joseph, birth and early training, 2; graduated from Harvard, 2; freeman of the Massachusetts Bay Company, 2; representative to the General Court, 2; part in "King Philip's War," 2; member of the Court of Assistants, 3; dropped from Court of Assistants, 18, 24; commissioner of the United Colonies, 3; activity in General Court, 3; agent to England, 13-15; condemned by Boston town meeting, 17-18; letter to Sir Leoline Jenkins, 19; president of the council for the Territory and Dominion of New England, 21, 24, 25, 26; inauguration, 26; commission, 27, 28; address to council, 30; activity as president, 31-32; petitions for land in New Hampshire, 37; Randolph's accusations against, 31, 33, 35, 36, 37; compared with Stoughton, 38; member of Andros's council, 44, 45; chief justice, 45; censor of the press, 45; attitude on the question of raising revenue, 46-47; attitude on land titles, 50; trial of Wise, 48; experiences in the revolution of 1689, 52-53; charges against, 53-55; defence, 55; member of the council for New York, 58-60; commissioned as deputy-governor of West New Jersey, 59; Indian commissioner, 60; trial of Leisler, 62-64; returns to New England, 64-65; goes to London, 65; deputy-governor of the Isle of Wight, 66, 69-71; attacks governor Phips, 66-67; appears before committee of Parliament, 67; member of Parliament, 71; life in London, 71-74; reconciled with the Mathers, 74-75; commissioned governor of Massachusetts, 75; instructions, 80; voyage to Massachusetts, 81; reception, 82; first address to General Court, 86; relations with General Court, 85-87, 97-99; relations with council, 88-89; report concerning council, 90; relations with the House of Representatives, 91-93; question of the speakership, 92-93; question of fortifications, 93-95; question of salary, 95-97; relations with Iroquois, 102-104; military policy, 105-108; plans for the defence of Deerfield, 109; Church's expedition against Port Royal, 111-112; negotiations with Vaudreuil for exchange of prisoners, 113-115; trial of Vetch and his accomplices for illegal

trade, 116-119; unsuccessful expedition against Port Royal, 1707, 120-123; abortive expedition against Port Royal, 1709, 123-125; capture of Port Royal, 126-127; expedition against Quebec, 127-128; plans to control the Indians, 129-132; report to Board of Trade on trial of Vetch, 132-133, note; relations with lieutenant-governor Usher of New Hampshire, 135-137; military plans for New Hampshire, 138-140; question of land titles in New Hampshire, 140-142; asks aid from Connecticut, 143-144; demands command of troops of Connecticut, 145; Mohegan Indian trial, 146-147; demands command of the Rhode Island militia, 147-148; asks aid from Rhode Island, 148, 149; attempts to enforce the trade laws, 149-150; representations to Board of Trade concerning Connecticut and Rhode Island, 151; attempts to repeal the charters of Rhode Island and Connecticut, 152-155; publishes the queen's proclamation concerning the value of coins, 158-159; addresses to the General Court on question of retiring bills of credit, 162-164; early attitude on banking, 165-167; opposes the Land Bank party, 170-174; arouses hostility of Land Bank Party, 174; removed from office, 174; opponents, 176-179; supporters, 179-181; attempts to remove in 1702, 181; in 1707, the Higginson petition, 182; charges against in "A Memorial of the Present Deplorable State of New England," 183; resolutions of the General Court in vindication of, 184, 186; resolutions of the council, 185; attacked in the second memorial on the "Present Deplorable State of New England," 186; defence in England, 187-188; "A Modest Inquiry into the Grounds and Occasions of a Late Pamphlet intitled 'A Memorial of the Present Deplorable State of New England,'" 188; letters from Increase and Cotton Mather, 189; reply, 189-190; wins over Sir Charles Hobby, 191; attempts to remove, 192-193; removal by the Massachusetts council, 193-195, "The Case of his Excellency," 196-197; restored, 197; influence after removal, 199-200; death, 200; will, 201-203; character, 1, 15, 23, 24, 37, 56, 128-129, 155-156, 204-210.

- Dudley, Paul, in London, 73, 85; memorial against the Land Bank party, 171; pamphlet against the Land Bank party, 172-173; plans for rewarding, 199; remembered in his father's will, 201.
- Dudley, Thomas, governor, 2, 205.
- Dudley, Thomas, 31.
- Dudley, William, messenger to Vaudreuil, 105, 114, 115; letter concerning retreat from Port Royal, 122; removed from office by council, 196; remembered in his father's will, 201-202.
- Dummer, Jeremiah, opposes Land Bank party, 173, 198; buys off Burgess, 174; elected agent for Massachusetts, 192.
- Dummer, William, lieutenant-governor of Massachusetts, 200.
- ENGLAND, attitude of colonists toward, 4; control of colonies by, 5-8, 40-43, 175, 205-206; Dudley in, 15-17, 53-55, 65-75, 208; war with France, 93, 97, 100-102, 160; aid from, 105, 119, 123-125, 126, 127; Land Bank party appeals to, 173, 174; Dudley's supporters in, 180-181.
- FLETCHER, BENJAMIN, governor of New York, reports Dudley "very unacceptable to the people," 60; removes Dudley from the council of New York, 64; corresponds with Dudley, 64, 65; experiences in Connecticut, 145.
- France, war with England, *see* England.
- French, policy in regard to neutrality of Indians, 102-105.
- GENERAL COURT OF THE MASSACHUSETTS BAY COMPANY, parties in, 2, 5, 14, 25, 74; reply to Dudley, 27.
- George I, King of England, 138, 179, 193.
- George III, King of England, 146.
- George, captain of frigate *Rose*, accused by Randolph, 36; seized during the Revolution of 1689, 52.
- Gidney, Bartholomew, member of Dudley's council, 1686, 29.
- Gold, John, arrested and tried by Dudley, 35.
- Gordon, Reverend Patrick, missionary on voyage with Dudley, 81.
- Gorges, Sir Ferdinando, proprietor of Maine, 10; claims upheld by judges, 12; rights purchased from, 136.
- Grand Pré, Church expedition retreats to, 111.
- HARTFORD, Andros holds council at, 41.
- Harvard college, Dudley graduated from, 2; Randolph asserts colonists plan to make Morton president of, 34; scholarships for, 170; Leverett elected president of, 177.
- Hicks, Thomas, member of Dudley's council, 1686, 29.
- Higginson, Nathaniel, signs petition against Dudley, 182; the Higginson petition, 182, 185.
- Hill, "Jack," commander of expedition against Quebec, 127, 128.
- Hilton, Winthrop, nephew of Dudley, colonel in New Hampshire, 139.
- Hinckley, Thomas, recommends Dudley to Blathwayt, 14; member of Andros's council, 47.
- Hinks, John, signs Higginson petition, 182.
- Hobby, Sir Charles, Asburt's candidate against Dudley, 191; won over to Dudley, 191, 192.
- Holt, Sir John, opinion concerning command of militia in charter colonies, 152.
- House of Commons, Leisler bill in, 67; copied by colonial assemblies, 82.
- House of Lords, Leisler bill in, 67; bills introduced to repeal charters of Connecticut and Rhode Island, 152, 154.
- Hutchinson, Elisha, opposes Dudley, 14.
- Hutchinson, Thomas, on coins in Massachusetts, 157.
- Hyde, Lawrence, earl of Rochester, agents attempt to bribe, 15.
- INDIANS, attacks, 109; Connecticut Indians, 110; Dudley Indian commissioner, 60, 75; Indian neutrality, 104-105, 107-108; Maine, 31, 110-112, 129-132; Mohegans, 129, 146; New England, 115; New Hampshire, 31; New York, 102; Nipmucks, Dudley's influence over, 130; Pequots, 146.
- Ingoldsby, Richard, deputy-governor of New York, trouble with Leisler, 62, 63.
- Ipswich, 48.
- Iroquois, neutrality of, 102, 103; to join Nicholson, 125.
- Isle of Wight, Dudley deputy-governor of, 57, 69-71; Cutts governor of, 66; Dudley's administration of, 75.
- JAMES I, king of England, appoints committee of Privy Council for colonial affairs, 5.
- James II, king of England, accession, 24; letter of council for Massachusetts to, 32; letter to Andros, 47; mentioned, 57, 61, 152, 207.

- Jenkins, Sir Leoline, Randolph warns concerning Dudley, 14; Randolph proposes plan for settlement of New England to, 21; Dudley explains attitude of colonists to, 19; Dudley uses his influence, 23.
- Jesuit, priests in Maine, 107.
- KERTH, REVEREND GEORGE, missionary accompanying Dudley, 81.
- King's Province, the, represented in Dudley's council, 1686, by Fitz-John Winthrop, 29; Dudley visits and organizes, 31.
- Kirke, Colonel Piercey, Randolph opposes appointment as governor of Massachusetts, 21, 23; preliminary drafts of commission and instructions for, 24; Dudley substituted for, 43.
- LAND BANK, early attempts to found, 164-167; attempts in Dudley's administration, 167-174; Land Bank party opposed to Dudley, 179; Dudley's opposition to, 194, 198.
- Leeds (Thomas Osborne), duke of, pledged to Dudley's support, 67.
- Leisler, Jacob, trial of, 60-64; reversal of attainder against, 67; Dudley appears at hearing in Parliament on reversal of attainder, 67; Dudley's part in trial disapproved of, 81, 189.
- Leverett, John, president of Harvard College, 177, 185.
- Livingstone, Robert, Cornbury objects to, 103; Vetch marries daughter of, 123; trade with Indians, 185.
- London (Henry Compton), bishop of, Randolph on Dudley to, 14; Ratcliffe sent to Boston by, 33; patron of Dudley, 180; Dudley sends "judicious letters" to, 181.
- London, city of, Dudley arrives at, 53, 65, 66; Paul Dudley joins father in, 73; colonists resident in favor of Dudley, 75.
- Long Island, Dudley holding court at time of Revolution of 1689, 52; English settlements on, 61.
- Lords of Trade, established, 6; proprietors of Maine and New Hampshire appeal to, 10; report on Massachusetts, 11; demand agents from Massachusetts, 13; order *quo warranto* proceedings against Massachusetts, 17; letter from Dudley's council, 1686, to, 32; Dudley's defence before, 55; Blathwayt member of, 57; Fletcher reports on Dudley to, 60; report to Privy Council on question of consolidation of colonies, 68; policy of, 7, 8, 40, 43.
- Louis XIV, king of France, 100.
- MAINE, rights exercised by Massachusetts in, 7, 8, 10; colonial agents sent to England concerning, 11; purchase of, 12, 14; Massachusetts plans to surrender, 17; united with Massachusetts, 28; representatives from, 29; Randolph sells offices in, 31; joined with Massachusetts, 77; responsibility of Massachusetts for, 102; the French attacks in, 103; defence of, 130.
- March, John, commander of expedition against Port Royal, 1707, 121, 122.
- Marlborough (John Churchill), duke of, Cutts recommends Dudley to, 75, 100.
- Martindale, Isaac, Major, commander of militia of Rhode Island, 148.
- Maryland, attorney-general Holt's opinion on charter, 152.
- Mason, John, Captain, proprietor of New Hampshire, 8; efforts to colonize New Hampshire, 10; claims to New Hampshire, 12, 140.
- Mason, John, Major (Connecticut), 146.
- Mason, Robert, member of Dudley's council, 1686, 33.
- Massachusetts Bay Colony, material condition of, 1, 4; political condition of, 3-5; commission to investigate, 8; claims to Maine and New Hampshire, 10; agents of, 10-11; instructions to agents, 12, 16-17; charter annulled, 20; plans for government of, 24; Maine, New Hampshire, King's Province added to, 28; Connecticut, Rhode Island, New Plymouth, New York, and New Jersey added to, 40-42; news of landing of William of Orange reaches, 51; Revolution in, 51-53; favors plans of Lords of Trade to consolidate colonies, 68; financial legislation of, 157-160.
- Massachusetts Bay Company, Dudley made freeman of, 2; charter revoked, 20, 22, 28; reply to Dudley, 28.
- Massachusetts Bay Province, charter of, 77; government of, 77-88; feeling toward Dudley, 81-82; defence of frontier, 93-94; salary question, 95-97; military problems, 100-105, 139-140; jealousies in, 175; favorable addresses for Dudley, 183; General Court of, 77-79, 82, 85, 87, 96; Dudley's influence with, 97-99; votes expedition against Port Royal, 110;

- trial of Vetch, 116-119; activity in military affairs, 125, 126, 128; disapproves of Dudley's Indian policy, 130-131; issues bills of credit, 159. Council of, 77; Dudley's relations with, 88-91; removes Dudley, 193-195; governs Massachusetts, 195-197. House of Representatives of, 77, 84; Dudley's control of, 91-93; attitude on bills of credit, 161-164.
- Mather, Cotton, on Massachusetts agents, 13; Dudley's letter of defence concerning his administration of 1686 to, 53; Dudley reconciled with, 74; recommends Dudley for governor, 75; opposed to Cooke, 82; blames Dudley for failure of expedition against Port Royal, 112; accuses Dudley of connivance with illegal trade, 119; opposed to Dudley, 176-177; reputed author of "A Memorial on the Deplorable State of New England," 183; letter accusing Dudley, 184.
- Mather, Increase, letter from Richards on difficulties of agents, 15; opposed to Dudley, 17; Dudley seeks advice from, 26; Constantine Phipps to, 68; desires to be colonial agent, 74; attitude toward new charter, 77; advice to William III, 79; opposed to Cooke, 82; opposed to Dudley, 176-177.
- Mohegan Indians, 129.
- Mompesson, Roger (chief justice of New Jersey), opinion of Rhode Island, 149.
- Monmouth (James Fitz-Roy), duke of, plans for a province for, 12; rebellion, 24.
- Morton, —, suggested as president for Harvard college, 34.
- NAHANT NECK, Randolph petitions for, 50.
- Narragansett Country, Dudley organizes government in, 31-32.
- Navigation Laws, 7, 81.
- New Castle, fort at, 139.
- New England, united colonies of, 3, 43; Dudley's council for, 27-30; dominion of, 40-42, 134; Dudley's plans for defence of, 97, 105-108.
- New Hampshire, Massachusetts claims to, 7, 8; defence of Massachusetts conduct in, 11; judges decide Massachusetts has no claim to, 12; united to Massachusetts, 28; Randolph sells offices in, 31; Lords of Trade recommend consolidation with other colonies, 68; separate royal province, 77; Dudley commissioned governor of, 79; ordered to fortify posts, 94; Massachusetts to aid, 110; Dudley popular in, 135-138; Usher's career in, 135-136; defence of, 138-140; question of land titles in, 140-143; party opposed to Dudley signs Higginson petition, 182; addresses favorable to Dudley from, 183.
- New Jersey, added to the dominion of New England, 41.
- New London, military conference at, 128.
- Newman, Henry, Dudley's candidate for agent from Massachusetts, 192.
- New Plymouth, boundary dispute with Massachusetts, 3; added to dominion of New England, 29; added to Massachusetts, 77.
- Newport, Isle of Wight, 69.
- Newport, Rhode Island, 148.
- Newton, Isle of Wight, Dudley elected member of Parliament from, 71.
- New York, added to the dominion of New England, 29, 41; Andros's career as governor of, 43-44; Sloughter governor of, 57; Dudley in council of, 58-59; Leisler's rebellion in, 61-64; development of constitution of, 83-84; defence of, 101, 102, 103; separated from Massachusetts under Cornbury, 134.
- Nicholson, Francis, governor of New York, 60, 61; expedition against Port Royal, 124, 125, 128.
- Nipmuck Indians, Dudley's influence over, 130.
- Northey, Edward, attorney-general, opinion on ownership of land in New Hampshire, 140; opinion on power of Massachusetts council to depose Dudley, 197.
- Nottingham (Daniel Finch), earl of, secretary of state, Mompesson on Rhode Island to, 149; Dudley conciliates, 181.
- Nova Scotia, plans to conquer, 119.
- Nowell, Samuel, letter to Richards on difficulties of agents, 16; member of party opposed to Dudley, 17, 22.
- OAKES, THOMAS, Dudley opposes as speaker of the Massachusetts House of Representatives, 92-93.
- PAIGE, NICHOLAS, signs Dudley's bond for release, 52.
- Paige, Mrs. Nicholas, niece of Dudley, house wrecked time of Revolution, 52.
- Parliament, colonial policy of, 5; Leisler bill in, 66; Dudley member of, 71, 180; colonial assemblies copy, 82-83; bill to revoke charters of Connecticut and Rhode Island in, 151-152.

- Partridge, Richard, signs petition against Dudley, 182.
- Partridge, William, signs petition against Dudley, 182, 183.
- Pemaquid, fortifications at, 93, 94; Dudley visits, 106; Dudley fails to get appropriation for rebuilding fort at, 107.
- Penn, William, aids Rhode Island, 155.
- Philip, "King" War, 2, 111; Dudley commissioner in war, 2, 129.
- Phillips, Reverend —, 25.
- Phillipse, Frederick, member of council of New York, 61.
- Phipps, Constantine, agent for Massachusetts, opposes Dudley, 67, 68; Dudley wins to his side, 74.
- Phips, Sir William, governor of Massachusetts, difficulties, 64, 65, 79, 85; Dudley tries to succeed, 66, 176; Dudley has arrested, 67; builds fort at Pemaquid, 94; fails to get a fixed salary, 94; gains Port Royal, 101; fails at Quebec, 159; accepts bills of credit, 160.
- Piscataqua, fort at, 93, 106.
- Pontchartrain, Jerome Phelypeaux, Comte de, Indian policy of, 105.
- Portland (William Bentinck), earl of, patron of Dudley, 67.
- Port Royal, French possession of, threatens Massachusetts, 84, 101, 102; Church expedition against, 110-112; expedition of 1707 against, 120-123; expedition of 1709 against, 123-125; capture of, 126-127.
- Portsmouth, fort at, 139.
- Privy Council, committees appointed for colonial affairs, 5, 6, *see also* Lords of Trade and Board of Trade; considers consolidation of the colonies, 68; orders a new trial of Vetch, 118; hearings on Connecticut and Rhode Island charters, 153-154; hears and dismisses charges against Dudley, 184-189.
- Pyncheon, John, member of Dudley's council, 1686, 29.
- QUAKERS, in Rhode Island, 147, 155; opposes Dudley in his command of the militia, 148.
- Quarry, Robert, opinion of Massachusetts council, 90; advice concerning coinage, 158; accusations of illegal trade, 184, 185.
- Quebec, Phips' expedition against, 64, 79, 159; policy of government at, 103; Vetch sent as messenger to, 114; expedition against, 159.
- Quo warranto* proceedings, against Massachusetts, 15-16, 21; against Connecticut, 29, 41; against Rhode Island, 29, 41.
- RANDOLPH, EDWARD, messenger to Massachusetts, 8; report on Massachusetts, 9-10, 13; opinion of Dudley and Richards, 14; plans government for Massachusetts with Dudley, 18, 25; urges Dudley's appointment, 21; serves notice of *quo warranto* proceedings on Connecticut and Rhode Island, 29, 41; complaints of, 32, 36-37; aids Ratcliffe in establishing King's Chapel, 33-34; member of Andros's council, 44; attempts to influence Blathwayt against Dudley, 58.
- Ratcliffe, Robert, first rector of King's Chapel, 33.
- Rawson, Edward, signs address of General Court criticising Dudley's commission, 27; refuses to surrender records of General Court, 35.
- Redknap, John, engineer on expedition against Port Royal, 121, 122.
- Rhode Island, *quo warranto* proceedings against, 29, 41; submits to Andros, 41; government of, 78, 88; military position of, 101; Dudley receives command of militia, 135; objects to Dudley's commission, 148; Dudley's complaints concerning, 148, 149; Dudley's difficulties in enforcing the trade laws in, 149-150; attempt to revoke charter of, 151-155.
- Richards, John, chosen agent of Massachusetts, 13; Randolph's opinion of, 14; complains concerning difficulties of position, 15, 16; opposes Dudley, 18.
- Rochester, town named by Dudley allows him to take command of militia, 148.
- Römer, Wolfgang William, engineer appointed to rebuild fortifications, 106.
- Rouse, William, abuses Dudley's permission to trade with Indians, 187.
- Roxbury, 3, 25, 64, 200.
- Ryswick, peace of, 102, 120.
- SALTONSTALL, NATHANIEL, member of Dudley's council, 1686, 29.
- Savage, Thomas, "King Philip's War," 2.
- Sawyer, Sir Robert, advises *scire facias* against Massachusetts, 20.
- Scire facias*, proceedings against Massachusetts, 20, 20, note.
- Sergeant, Peter, Dudley disallows election of, 89; Dudley allows admission of, 90.

- Sewall, Samuel, advises submission to Dudley's commission of 1686, 26; petitions for patent for land, 51; member of House committee on question of speaker, 93; position in trial of Vetch, 117-118; opinion as to bills of credit, 159; withdraws vote of vindication for governor, 190; hostility to Dudley, 177-178; conferences with Dudley over question of removal, 194-195.
- Shrimpton, Samuel, signs Dudley's bail bond, 52.
- Shute, Samuel, appointed governor of Massachusetts, 174; arrival, 199.
- Sidney (Henry), earl of Romney, patron of Dudley, 67.
- Sloughter, Henry, governor of New York, urges Dudley's appointment, 58; Dudley loans money to, 60; part in Leisler trial, 62, 63.
- Society for the Propagation of Christian Knowledge, Chamberlayne a member of, 72.
- Society for the Propagation of the Gospel in Foreign Parts, Dudley joins, 72; contributes paper to, 72; missionaries from, 81.
- Southwell, Sir Robert, Randolph writes concerning Kirke, 21; Dudley appeals to, 23; Randolph complains to concerning Dudley, 36.
- Speaker of the House of Representatives of the General Court, 92-93.
- Stanhope, James, urges the appointment of Burgess, 174, 198.
- St. Asaph, bishop of (William Lloyd), Randolph writes to, 21; (Edward Jones) urges Dudley's appointment, 75.
- Steele, Sir Richard, secretary of Lord Cutts, correspondent of Dudley, 72.
- Stoddard, Reverend Solomon, urges use of dogs in Indian war, 109, note; signs a petition for Dudley's continuance, 188.
- Stoughton, William, agent for Massachusetts, 11; instructions to, 12; condemned by Boston town meeting, 17; refuses to serve as Assistant, 25; member of Dudley's council, 1686, 28, 29; appointed judge by Dudley, 31; compared with Dudley, 38; member of Andros's council, 44, 45, 47; obtains with Dudley and Cox a grant of land, 58; lieutenant-governor of Massachusetts, 64; Dudley regains influence over, 65, 66; joins with Dudley in projecting a bank, 166.
- Stuarts, colonial policy of, 6-9, 22-23, 28, 40-41, 134.
- Sunderland (Charles Spencer), earl of, opposed to Dudley, 192.
- TAILER, WILLIAM, lieutenant-governor of Massachusetts, 199.
- Treat, Robert, governor of Connecticut, added to Andros's council, 41.
- Tyng, Edward, Dudley marries daughter of, 3; member of Dudley's council, 1686, 28, 29.
- USHER, JOHN, lieutenant-governor of New Hampshire, 136-142; character of, 136-137; attitude on land question, 140-142; letters of Board of Trade to, 137.
- VAN CORTLANDT, STEPHEN, member of New York council, 61, 62.
- Vaudreuil, Philippe de Rigaud, Marquis of, negotiations concerning the exchange of prisoners, 105, 113, 114, 123.
- Vetch, Samuel, negotiations concerning the exchange of prisoners, 105, 114, 115; tried for illegal trade, 116-119, 184, 188; plans for expedition against Canada, 123-125, 128.
- WALDRON, RICHARD, sued by Allen in question of land titles, 140, 141.
- Walker, Sir Hovenden, commander of expedition against Port Royal, 127-128.
- Warwick (Robert Rich), earl of, governor-in-chief for the colonies, 5.
- Wells, attacked by Indians, 109.
- West New Jersey, Cox proprietor of, 58; Dudley commissioned deputy-governor of, 59.
- Weymouth (Thomas Thynne), viscount of, Dudley conciliates, 181.
- William III, King of England, appoints Board of Trade, 6; influence of declaration upon uprising in Massachusetts, 51; approves of Leisler trial, 64; commissions Dudley, 75, 100; appoints Sir William Phips governor of Massachusetts, 79; tacitly recognizes the governments of Rhode Island and Connecticut, 134.
- Winter Harbor, attacked by Indians, 109.
- Winthrop, Fitz-John, member of Dudley's council, 28, 29; refuses to give aid to Massachusetts, 120; controversy over troops and command of troops from Connecticut, 143-145; letters from Ashurst concerning Dudley, 181-182.
- Winthrop, John, governor of Massachusetts, 204, 205.

- Winthrop, John (the younger), governor of Connecticut, ideas concerning a bank, 165.
- Winthrop, Wait, member of Dudley's council, 28, 30; member of Andros's council, 44; prepares charges against Dudley and Andros, 54; joins with Dudley in projecting a bank, 166; hostility to Dudley, 177-178; mentioned, 205.
- Wise, Reverend John, sentenced by Dudley, 48.
- Woodbridge, John, ideas concerning a bank, 165.
- Worsley, Sir Robert, patron of Dudley, 69.

